

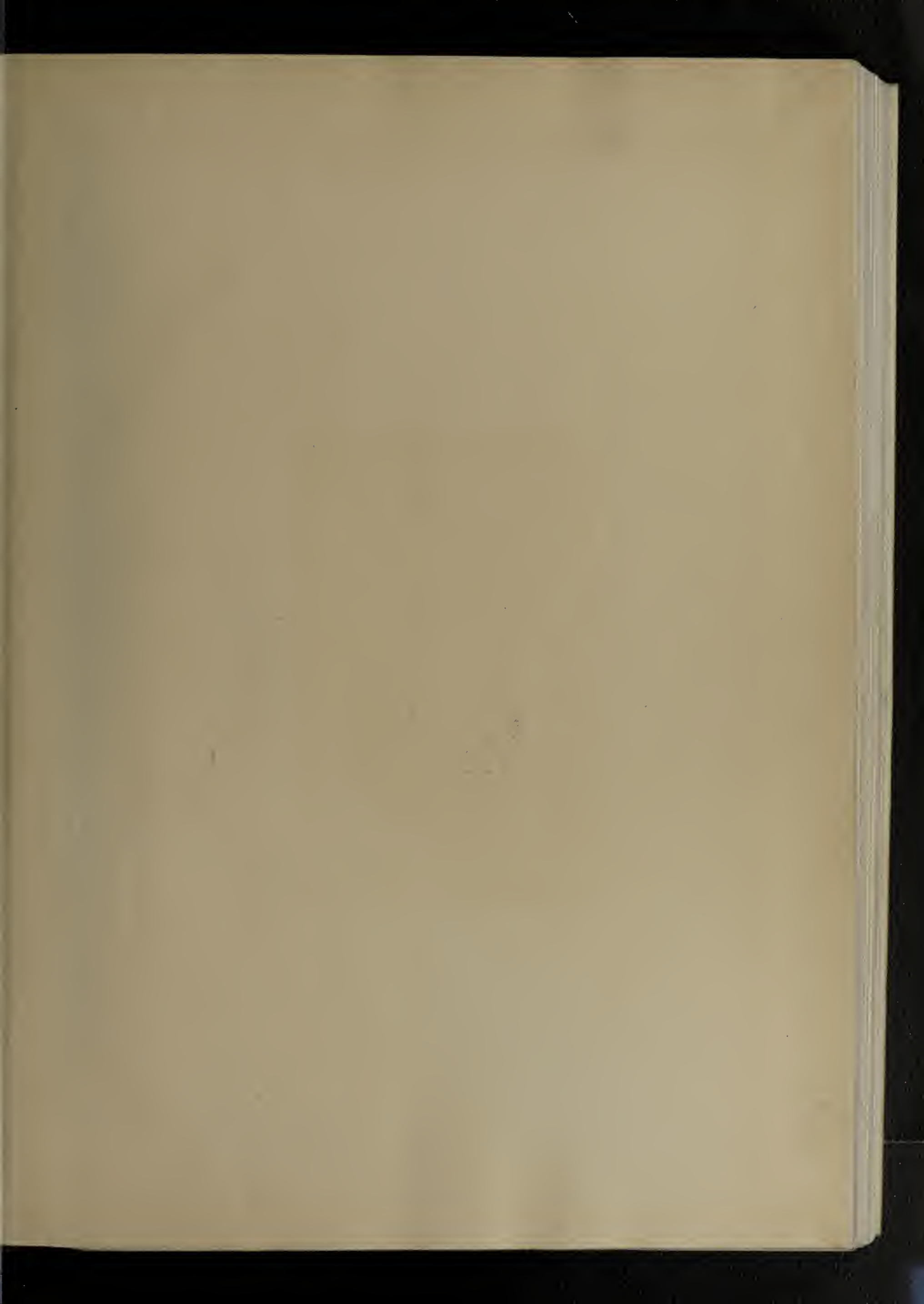


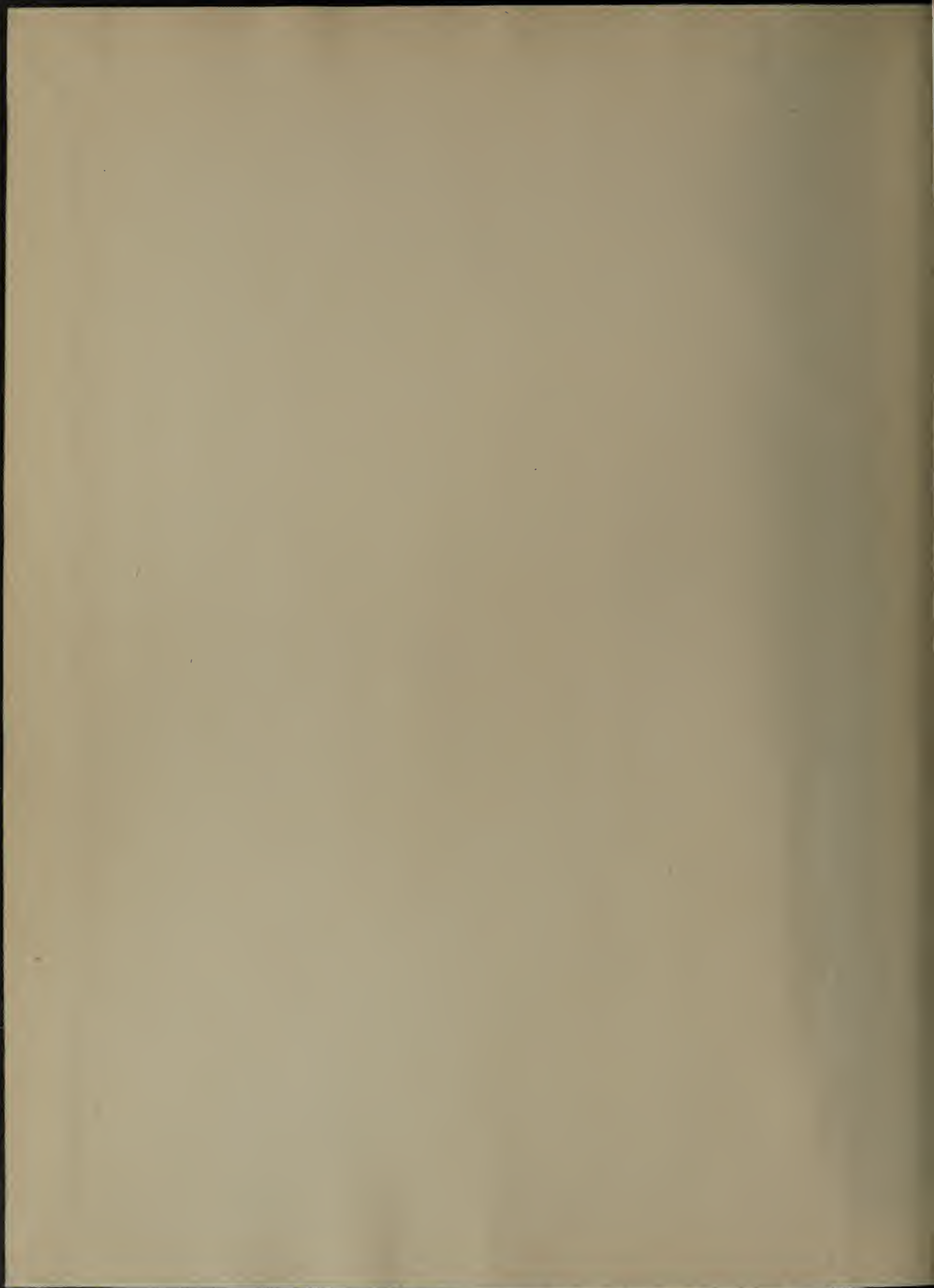
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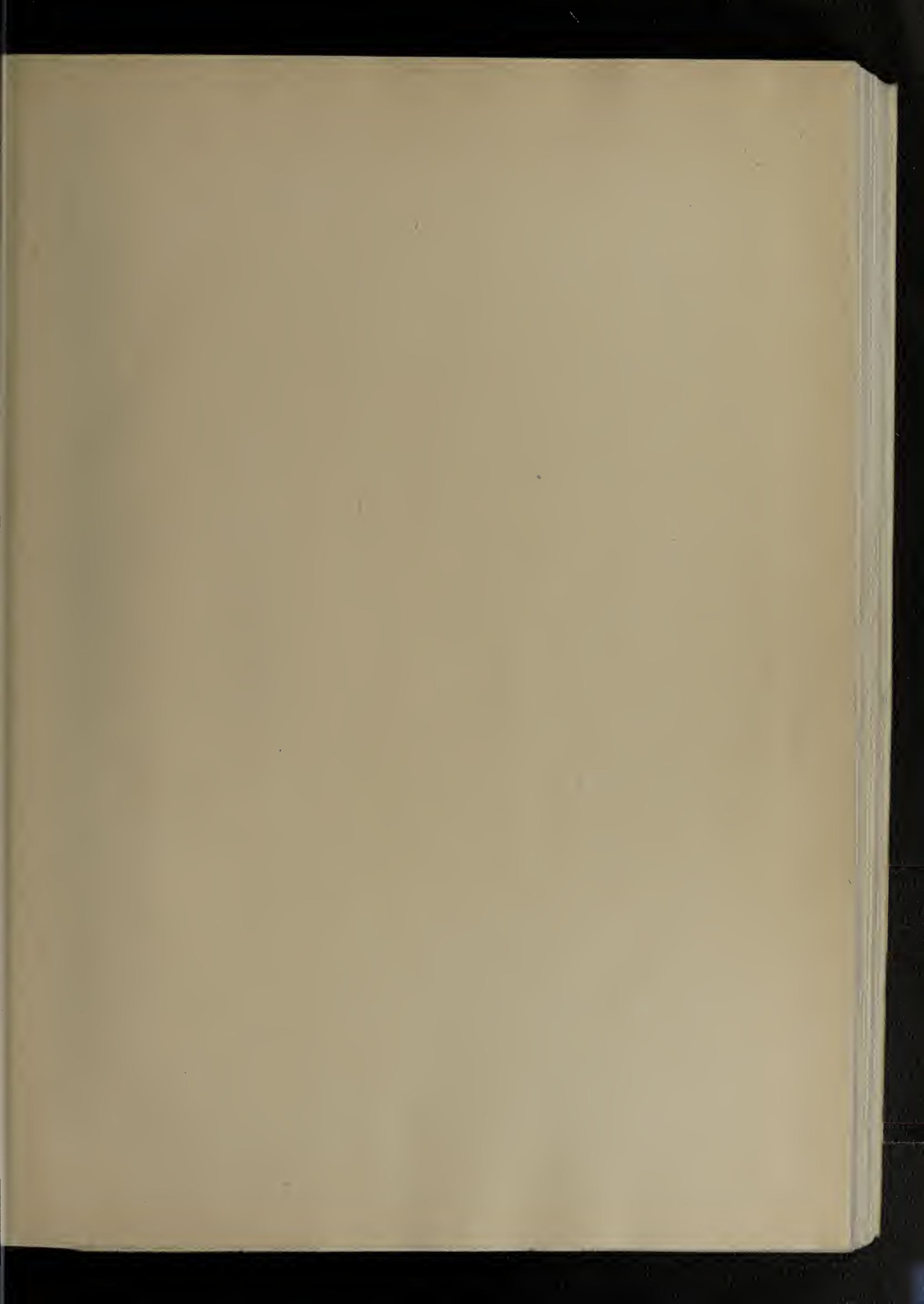
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BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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No. 27

DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1000 to 1018.

TELEPHONE—WOrth 2-5600.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.
Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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PUBLIC HEARINGS

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All hearings are held in Room 1013, Municipal Building,
Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the en-
gineers, pertaining to the work of the board, will be seen
only between the hours of ten in the morning and one in
the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection
with which court proceedings are pending or in progress,
unless exception is granted by the chairman, nor accepted
which is not filed within thirty days from the date of the
action of the Administrative Official.

Any communication purporting to be an appeal or appli-
cation shall be regarded as a mere notice of intention to
seek relief until it is filed on the form required by the rules
of this board.

Upon receipt of any such communication the writer will
be supplied with the official forms for presenting his appeal
or application.

At the time of filing an appeal or application, the appel-
lant or applicant shall forward a signed notice of appeal
addressed to the administrative official (either commissioner
of buildings or fire commissioner) and file with this board
a duplicate of said notice.

Appellants and applicants are advised that their plans
must indicate the points of the compass so as to establish
the true location and position of the property, the subject
of the appeal or application.

Appeals and applications will be simplified and disposition
of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

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| 310-43-A | F.D. | 303-309 Rodney street, west side, 80 ft. north of South 5th street (Block 2448, Lot 17), Borough of Brooklyn, 9173-L.F. and Decision. |
| 311-43-A | H.B.M. | 1-21 East 100th street, 2-20 East 101st street, 1190-1198 Fifth avenue and 1460-1468 Madison avenue, entire block (Block 1606, Lot 1), Borough of Manhattan, Misc. 473-43. |
| 312-43-S | H.B.M. | 215-221 East 54th street, north side, 185 ft. 10 in. east of Third avenue (2nd floor); (Block 1328, Lot 9), Borough of Manhattan, Alt. 492-43. |
| 313-43-A | F.D. | 28 South 9th street, south side, 98 ft. east of Kent avenue (Block 2144, Lot 10), Borough of Brooklyn, 9701-L.F. and Decision. |
| 314-43-A | F.D. | 718-728 Atlantic avenue, south side, 275.2 ft. west of Carlton avenue (2nd floor); (Block 1120, Lot 28), Borough of Brooklyn, 93915-L.C. and Decision. |
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| 316-43-SM | | Gallagher Brothers Mortar, Concrete, Asphalt or Building Sand from Long Island Sound, manufactured by Gallagher Brothers Sand and Gravel Corp., Material. |
| 317-43-A | H.B.M. | 314 West 91st street, south side, 150 ft. east of Riverside drive (Block 1251, Lot 32), Borough of Manhattan, Alt. 437-43 and Amendment. |
| 318-43-S | F.D. | 416-422 West 45th street, south side, 225 ft. west of Ninth avenue (3rd floor); (Block 1054, Lot 42), Borough of Manhattan, Decision. |
| 319-43-S | F.D. | 515-521 Greenwich street and 309-317 Spring street, northeast corner (2nd and 5th floors); (Block 597, Lot 1), Borough of Manhattan, Decision. |
| 320-43-S | F.D. | 304-322 Hudson street, east side, from Spring to Van Dam streets, 279-291 Spring street and 62-64 Van Dam street (2nd floor); (Block 579, Lot 47), Borough of Manhattan, Decision. |
| 321-43-S | H.B.Q. | 42-25 Ninth street, east side, 190 ft. north of 43rd avenue (Block 461, Lot 13), Long Island City, Borough of Queens, Alt. 1038-42. |

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DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

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Carbon Dioxide Liquefier, Rules ..	June 22, 1943—Vol. 28, No. 25
Certificates of Occupancy, approved form	Nov. 25, 1941—Vol. 26, No. 47
Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
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Fire Drill Rules	May	25, 1943—Vol. 28, No. 21
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Oil Burner Rules	Sept.	1, 1942—Vol. 27, No. 32
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Paint, Varnish and Lacquer Spraying Rules	Sept.	8, 1942—Vol. 27, No. 36
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Plumbing Rules	Aug.	3, 1937—Vol. 22, No. 31
Plumbing Rules (Submerged Inlets; Protective Methods to Prevent Contamination of Water Supply).....	Dec.	15, 1942—Vol. 27, No. 50
Procedure, Rules of.....	Sept.	7, 1937—Vol. 22, No. 36
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Tank Trucks, Gasoline, etc.	Nov.	24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)....	Apr.	10, 1923—Vol. 8, No. 15

Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

JULY 9, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning July 9, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Appeal from Administrative Decision.

248-43-A—1407-1423 McDonald avenue, east side, 60 ft. south of Avenue L (Block 6537, Lots 1, 7, 11 and 12), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

JULY 13, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 13, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

97-43-BZ—Application, March 5, 1943, under section 7c of the zoning resolution, of George H. Cohn, applicant, on behalf of Crew Levick Corporation, owner (Morris Smith, lessee), to permit partly in a business use and partly in a residence use district, the extension of an existing gasoline service station and also the inclusion of the use of parking and storage of more than five motor vehicles; premises 1775-1785 59th street and 5814-5824 18th avenue, northwest corner (Block 5504, Lots 43 and 45), Borough of Brooklyn.

10-43-BZ—Application, January 5, 1943, under section 7h of the zoning resolution, of William A. Eckert, applicant, on behalf of Estate of Annie Gibney, owner (Title Guarantee and Trust Company, Administrator); (Maple Grove Parking Co., Inc., lessee), to permit partly in a business use and partly in a residence use district, for a term of two years, the parking and storage of more than five motor vehicles; premises 137-52 to 137-70 Queens

boulevard and the west side of 85th avenue, between Queens boulevard and 137th street (Block 9650, Lot 31), Jamaica, Borough of Queens.

1481-22-BZ—Application of A.S.G. Construction Corporation, applicant and owner, reopened June 8, 1943, under section 21 of the zoning resolution, to permit in a residence use district, for an additional term of five years, the continuance of the maintenance of a restaurant on the first story of an existing building (previously granted by the Board for a term of five years); premises 8502-8518 Fourth avenue, southwest corner of 85th street (Block 6034, Lot 41), Borough of Brooklyn.

227-43-BZ—Application, May 14, 1943, under sections 7a, 7c and 21 of the zoning resolution, of Jeffroy J. Lewin, applicant, on behalf of Long Island City Savings Bank, owner, to permit in a residence use district, the conversion of occupancy of an existing building occupied as a garage for more than five motor vehicles to a factory for the manufacture and distribution of linen supplies; premises 31-35 41st street, east side, 350 ft. south of 31st avenue (Block 679, Lot 27), Astoria, Borough of Queens.

91-43-BZ—Application, March 3, 1943, under section 7e of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Cono Innamorato, owner, to permit in a business use district, for a term of two years, the conversion of occupancy of an existing building to a junk shop; premises 279 (287 displayed) Frost street, north side, 190 ft. west of Debevoise street (Block 2858, parts of Lots 29 and 33), Borough of Brooklyn.

6-36-BZ—Application of Samuel Gardstein, applicant, on behalf of Utico, Incorporated, owner, reopened May 18, 1943, under sections 7c and 21 of the zoning resolution, to permit in a business use district, the extension in area and conversion of occupancy of a building previously granted by the Board as a motor vehicle repair shop, limited exclusively to automobile spring work, so as to include an iron works (open hearth forge work for marine work for the U. S. Navy); the proposed one-story extension, 30 ft. by 60 ft. in area, is to be located upon the plot on which there now exists a gasoline service station—which also was previously granted by the Board; premises 5001-5011 Farragut road and 1429-1435 (1431 displayed) Utica avenue, northeast corner (Block 4785, Lot 46), Borough of Brooklyn.

280-43-BZ—Application, June 8, 1943, under sections 7b and 7c of the zoning resolution, of Koch and Wagner, applicants, on behalf of Bohack Realty Corporation, owner, to permit the extension from a business use district into a residence use district, of a proposed one-story addition to an existing business building (stores); premises 81-25 to 81-31 Lefferts avenue (boulevard), east side, 100.38 ft. north of Cuthbert (place) road (Block 3338, Lot 6), Kew Gardens, Borough of Queens.

490-37-BZ—Application of Bernhard Erk, applicant, on behalf of Estate of J. Romaine Brown, owner, reopened June 22, 1943, for consideration as to extension of permit—Application, previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a temporary term of two years, the storage and parking of more than five motor vehicles; premises 246 Nagle avenue, southwest corner of West 204th street (Block 2218, Lot 25), Borough of Manhattan.

Appeal from Administrative Decision.

333-43-A—137-52 to 137-70 Queens boulevard and the west side of Queens boulevard, between Queens boulevard and Van Wyck boulevard (137th street); (Block 9650, Lot 31), Jamaica, Borough of Queens (under section 35, General City Law—re bed of mapped street—Main street).

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

JULY 13, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, July 13, 1943, at 2 o'clock in Room 1013, Municipal Building Manhattan, on the following matters:

Appeals from Administrative Decisions.

125-43-A—323-335 East 44th street, north side and 322-334 East 45th street, south side, 175 ft. west of First avenue (Block 1337, Lot 4), Borough of Manhattan.

225-43-A—89-107 Gold street, southeast corner of Front street (5th floor); (Block 56, Lot 3), Borough of Brooklyn.

230-43-A—42-60 Stewart avenue, east side, from Harrison place to Ingraham street (Block 3001, Lot 1), Borough of Brooklyn.

214-43-A—137-139 East 25th street, north side, 79.10 ft. east of Lexington avenue and 138 East 26th street (3rd floor); (Block 881, Lot 29), Borough of Manhattan.

229-43-A—47-02 31st place, southwest corner of 47th avenue (Block 281, Lot 1), Long Island City, Borough of Queens.

202-43-S—47-02 31st place, west side, between 47th avenue and 48th avenue (Block 281, Lot 1), Long Island City, Borough of Queens.

272-43-A—78-08 Cooper avenue, south side, 848 ft. west of Dry Harbor road (Block 3803, Lot 14), Glendale, Borough of Queens.

186-43-A—154 Pilot street, north and south sides, between City Island avenue and Long Island Sound (Block 5640, Lot 18 and Block 5641, Lot 90), Borough of The Bronx.

257-43-A—568 Wales avenue, southeast corner of East 150th street (Block 2653, part of Lot 9), Borough of The Bronx.

256-43-A—40-33 23rd street, east side, 100 ft. north of 41st avenue (Block 408, Lot 9), Long Island City, Borough of Queens.

259-43-A—22-48 Steinway street, west side, 372.91 ft. north of 23rd avenue (Block 805, Lot 9), Long Island City, Borough of Queens.

267-43-A—Re packaging of combustible mixture, known as "Neptune Waterproof Belt Cement," in one-quart and one-pint glass bottles (capacity of glass bottles not in conformity with Administrative Code Specifications).

185-43-A—330 Greenwich street, west side, 25 ft. south of Jay street (Block 142, Lot 16), Borough of Manhattan.

113-43-S—22-33 to 22-59 38th street, east side, 166.75 ft. north of 23rd avenue (Block 805, Lot 9), Long Island City, Borough of Queens.

240-43-A—30 Little Clove road, south side, 240 ft. west of Clove road (Block 836-A, Lot 1), West Brighton, Borough of Richmond.

96-43-S—29 Meserole avenue and 238-256 Banker street, northwest corner (Block 2592, Lot 30), Borough of Brooklyn.

135-43-A—190 Banker street, west side, 450 ft. south of Meserole avenue (Block 2615, Lot 25), Borough of Brooklyn.

5-43-A—444 West 259th street, south side, 160 ft. east of Riverdale avenue (Blocks 3423-A and 3423-B, parts of Lot 140), Borough of The Bronx (under section 35,

General City Law—re bed of mapped street—Delafield avenue).

Appliance and Material for Approval.

313-41-SA—Spacarb Automatic Carbonated Beverage Dispenser (reopened June 15, 1943 re amendment to resolution re additional Models VACGP 42, VACGP 42T, VACGP 42W, VACGP 42SD and VACGP 42TSD).

179-43-SM—Protectowire (Heat Sensitive Cable).

HARRIS H. MURDOCK, *Chairman.*

JULY 20, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 20, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

836-42-BZ—Application of Harry Yahr, applicant and lessee, on behalf of The Gerry Estates, Inc., owner, reopened May 4, 1943, under section 7h of the zoning resolution, to permit in a retail-1 use district, for a term of two years, the parking and storage of more than five motor vehicles (previously denied); premises 108-112 West 41st street, south side, 125 ft. west of Sixth avenue (Block 993, Lot 38), Borough of Manhattan.

31-43-BZ—Application, January 19, 1943, under section 7c of the zoning resolution, of William V. McDevitt, applicant, on behalf of Socony-Vacuum Oil Company, Incorporated, owner, to permit in a business use district, the alteration and extension of an existing gasoline service station, to be used as gasoline service station, office, lubritorium and auto laundry; premises 76-88 Grand street extension and 277-283 South 3rd street, southeast corner (Block 2422, Lots 34 and 35), Borough of Brooklyn.

86-43-BZ—Application, February 26, 1943, under section 7h of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Genevieve Marchione, owner, to permit in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises 575-587 East New York avenue, north side, 134 ft. 6 in. west of Kingston avenue (Block 1332, Lots 51 and 54), Borough of Brooklyn.

544-37-BZ—Application of Michael Janicki, applicant and owner, reopened January 26, 1943, under sections 7h and 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the maintenance of an existing garage for five motor vehicles; the parking and storage of more than five motor vehicles for a term of two years and, also, a lumber yard for a term of two years; premises 28-08 25th (Hoyt) avenue, 28-29 Astoria boulevard and west side of 29th street, from 25th avenue to Astoria boulevard (Block 839, Lot 1), Astoria, Borough of Queens.

233-43-BZ—Application, May 17, 1943, under section 21 of the zoning resolution, of Richard A. Kimball, applicant, on behalf of Norman Woolworth, owner, to permit in a residence use and also B area district, the maintenance of a one-story extension which is located in the required rear yard; premises 2-6 East 63rd street, south side, 100 ft. east of Fifth avenue (Block 1377, Lot 66), Borough of Manhattan.

6-43-BZ—Application, January 5, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Minnie Hinderstein, owner, to permit partly in a business use and partly in a residence use district, the parking and storage of more than five motor vehicles; to be operated in conjunction with a gasoline

CALENDAR

service station upon the same plot; premises 4517-4525 18th avenue, south side, 282 ft. 10½ in. east of 47th street (Block 5439, Lot 23), Borough of Brooklyn.

273-43-BZ—Application, June 4, 1943, under sections 7c and 21 of the zoning resolution, of Lama and Proskauer, applicants, on behalf of East New York Savings Bank, owner, to permit in a residence use district, the conversion of occupancy of a building from marble works to factory (light manufacturing and not contrary to Section 4(a) of the Zoning Resolution); premises 965-967 Hopkinson avenue, east side, 260 ft. south of Lott avenue and 576-578 Bristol street (Block 3623, Lot 19), Borough of Brooklyn.

81-43-BZ—Application, February 24, 1943, under section 7c of the zoning resolution, of Raymond Irrera, applicant, on behalf of Bernhard Burger, owner, to permit in a residence use district, the extension, in area, of an existing factory building; premises 111-59 158th street, east side, 26.29 ft. south of 112th road (Block 12176, Lot 12), Jamaica, Borough of Queens.

HARRIS H. MURDOCK, *Chairman*.

JULY 20, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon, July 20, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

284-43-S—699-701 East 135th street, north side, 200 ft. east of Southern boulevard (Block 2564, Lot 67), Borough of The Bronx.

294-43-A—33-55 to 33-81 12th street, 12-01 to 12-19 34th avenue, northeast corner and 33-52 to 33-80 13th street (Block 522, Lot 1), Long Island City, Borough of Queens.

238-43-A—136 Coleridge street, west side, 260 ft. south of Hampton avenue (Block 7516, Lot 1000), Borough of Brooklyn.

850-42-A—71 Grape street, south side, 67 ft. west of Tangerine street (Block 4321, Lot 255), South Jamaica, Borough of Queens (under section 36, General City Law—re building does not face on a legal street—Grape street, also under Section 35, General City Law—re bed of mapped street—Farmers boulevard).

HARRIS H. MURDOCK, *Chairman*.

SEPTEMBER 14, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon, September 14, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Appeal from Administrative Decision

746-42-A—241 West 72nd street, north side, 280 ft. 5½ in. west of Broadway (Block 1164, Lot 15), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman*.

SEPTEMBER 21, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon, September 21, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Appeal from Administrative Decision

191-43-A—15 West 77th street and Central Park West at 79th street (Block 1130, Lot 1), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman*.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, JUNE 29, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

The minutes of the regular meetings of the Board held on Tuesday morning, June 22, 1943, and Tuesday afternoon, June 22, 1943, were approved as printed in Bulletin No. 26, Volume 28.

ZONING CASES

31-43-BZ

APPLICANT—William V. McDevit, for Socony-Vacuum Oil Company, Inc., owner.

SUBJECT—Application (decision of the borough superintendent) under section 7c of the zoning resolution, to permit in a business use district, the alteration and extension of an existing gasoline service station, to be used as gasoline service station, office, lubritorium and auto laundry.

PREMISES AFFECTED—76-88 Grand street extension and 277-283 South 3rd street, southeast corner (Block 2422, Lots 34 and 35), Borough of Brooklyn.

APPEARANCES—

For Applicant: William V. McDevit.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings and Gustave Goldman, Board of Education.

ACTION OF BOARD—Laid over to July 20, 1943 at 10 A.M. on request of applicant.

86-43-BZ

APPLICANT—Lama and Proskauer, for Genevieve Marchione, owner.

SUBJECT—Application (decision of the borough superintendent) under section 7h of the zoning resolution, to permit in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

MINUTES

PREMISES AFFECTED—575-587 East New York avenue, north side, 134 ft. 6 in. west of Kingston avenue (Block 1332, Lots 51 and 54), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama and Mrs. Marchione.

For Opposition: Simon Rappaport and Joseph Prince.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to July 20, 1943 at 10 A.M. for further consideration by the Board. Applicant to file revised plans.

34-35-BZ

APPLICANT—Irving M. Fenichel, for Ken-Isle, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Application (decision of the borough superintendent) previously granted on condition, under section 7a of the zoning resolution, permitting on a plot of ground, located in a business use and residence use district, on which is located a dry cleaning and dyeing establishment, the erection of an extension to the dry cleaning and dyeing buildings, a garage for more than five motor vehicles and the erection of an additional dyeing and dry cleaning building and accessory tanks, etc.

PREMISES AFFECTED—17-45 to 18-05 Clintonville street (formerly 18-05 11th avenue), east side, 800 ft. south of Locke avenue (Block 4729, Lot 46, Block 4732, Lot 9 and Blocks 4746 and 4747, Lot 1), Whitestone, Borough of Queens.

APPEARANCES—

For Applicant: Irving M. Fenichel.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Request to reopen, withdrawn on request of applicant.

THE VOTE TO WITHDRAW REQUEST TO RE-OPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

573-37-BZ

APPLICANT—Herman Kron, for Mutual Life Insurance Company of New York, owner (Williams Auto Auction Sales, Inc., lessee).

SUBJECT—Application reopened December 15, 1942 (decision of the borough superintendent) under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the transient parking of more than five motor vehicles (previously granted by the Board for a temporary period).

PREMISES AFFECTED—158-176 Columbus avenue, 101 West 67th street and 100 West 68th street (Block 1139, part of Lot 24), Borough of Manhattan.

APPEARANCES—

For Applicant: Herman Kron and Herbert A. West.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (573-37-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a term of two years, the transient parking of more than five motor vehicles, affecting premises 158-176 Columbus avenue, 101 West 67th street and 100 West 68th street (Block 1139, part of Lot 24), Borough of Manhattan, was granted by the Board on January 10, 1939, on certain conditions, time extended to obtain permits and complete the work on March 12, 1940 and the applicant requested a reopening of the case, to permit the parking and storage of more than five motor vehicles for a term of two years; and

WHEREAS, this application was reopened by vote of the Board on December 15, 1942, subject to usual procedure; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 29, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that West 67th street is in a business and residence use district; West 68th street is in a business and residence use district; Columbus avenue is in a business use district and Broadway is in a business use district; and

WHEREAS, the decision of the borough superintendent dated February 13, 1943, reads:

"Your application for a certificate of occupancy for above-noted premises is hereby denied for the following reason:

The parking and storage of more than five motor vehicles at above-noted premises cannot be approved as such use in a business district would be contrary to Section 4 of the zoning resolution."

and

WHEREAS, the applicant states that the premises consist of a plot of ground having a frontage of 200 ft. on Columbus avenue, 125 ft. on West 67th street and 125 ft. on West 68th street and that it is proposed to use the plot, for a term of two years, for parking and storage of more than five motor vehicles; and

WHEREAS, the premises and the surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that this was a proper case in which to exercise its discretion to grant a variance under section 7h of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution and that the application be and it hereby is *granted* under section 7h thereof for a temporary term of two (2) years from the date of this action, to permit that portion of the premises under appeal as indicated on plans marked "Received February 18, 1943," with an easterly frontage along Columbus avenue of approximately 200 feet and a depth westerly along West 67th street and West 68th street of 125 feet, to be occupied for the parking and storage of more than five (5) motor vehicles, *on condition* that only motor vehicles of the pleasure-car type shall be so parked or stored; that the lot shall be graded substantially to the grade of the surrounding streets and shall be surfaced with steam cinders, clean gravel or other suitable material, properly rolled and bound to prevent dusting; that there shall be erected on all lot lines, a substantial woven wire fence not less than 6 feet in height continuous except for an entrance to Columbus avenue; that such entrance shall be toward the center, not exceeding 20 feet in width with curb cut opposite of similar width; that during the term of this variance, the premises shall be occupied for no other use than that herein permitted; that no buildings shall be erected thereon; that the building, as shown used jointly as an office and shelter for the persons in charge of the auto trucking and selling of used cars on the Broadway front, may be used for such purpose; that no signs shall be permitted, except there may be two signs attached to the fence along Columbus avenue, one near West 68th street and one near West 67th street, provided such

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signs do not exceed 15 square feet in area each and do not extend beyond the building line and are not illuminated; that all other signs and posts for supporting same that have been erected, whether subject to permit issued for same or not, shall be discontinued and removed and any permits existing therefor shall be cancelled; that adequate aisles shall be maintained at all times for easy entrance and egress; that such portable fire-fighting appliances, shall be maintained as the fire commissioner shall direct; that all permits required shall be obtained and all work completed within three months; that a certificate of occupancy shall also be obtained.

187-43-BZ

APPLICANT—Irving B. Vigdor, for Max Aronson, owner (Julius Siegel, lessee).

SUBJECT—Application (decision of the acting borough superintendent) under section 7i of the zoning resolution, to permit in a business use district, the conversion of occupancy of an existing building to a motor vehicle repair shop.

PREMISES AFFECTED—1677 Jerome avenue, west side, 250 ft. north of Featherbed lane (Block 2861, Lot 34), Borough of The Bronx.

APPEARANCES—

For Applicant: Irving B. Vigdor.

For Opposition: None.

For Administration: Fred Dalhem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (187-43-BZ)

WHEREAS, Irving B. Vigdor, for Max Aronson, owner, (Julius Siegel, lessee), filed April 22, 1943, an application under section 7i of the zoning resolution, to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop; premises 1677 Jerome avenue, west side, 250 ft. north of Featherbed Lane (Block 2861, Lot 34), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting June 29, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that Jerome avenue is in a business use district; Davidson avenue is in a residence use district; Townsend avenue is in residence and business use districts; Featherbed Lane is in residence and business use districts; and

WHEREAS, the decision of the borough superintendent, dated April 7, 1943, re N.B. 2870-25, reads:

"Please be advised that your application for a certificate of occupancy for use of the above premises as a motor vehicle repair shop, is DENIED, as the premises are located in a business district, where such use is contrary to Sec. 4, Art. 2 of the Zoning Resolution of the City of New York.

and

WHEREAS, the applicant states that the existing building is one story in height, of Class 3 construction, having a frontage of 25 ft. and a depth of 75 ft. and that it is proposed to continue the use of the existing building as a fender and body repair shop now operating under a Certificate of Occupancy for the said use and requests the Board to grant a certificate of occupancy for a motor vehicle repair shop; and

WHEREAS, the premises and the surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that this was a proper case in which to exercise its discretion to grant a variance under section 7i of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution and that the application be and it hereby is *granted* under section 7i thereof for a term of five (5) years, to permit the premises to be occupied as proposed, *on condition* that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that signs on the building shall be restricted to permanent signs attached to the facade of the building but not extending beyond the building line; that no roof signs shall be erected; that a certificate of occupancy, for the use as herein permitted under classification of a repair shop and limited to the use as proposed, namely body and fender work, shall be obtained and previous certificates of occupancy, Nos. 941-26 and 534-39 shall be cancelled; that all permits required shall be obtained and all work completed within two (2) months from the date of this resolution.

95-35-BZ

APPLICANT—Frank V. Laspia, for Stanley Gorski, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the commissioner of buildings) previously granted on condition, under section 7a of the zoning resolution, permitting in a residence use district, for a temporary term of two years, the change of occupancy of an existing building (located on the rear of the lot) to a knitting mill.

PREMISES AFFECTED—423 Barbey street, east side, 150 ft. north of Belmont avenue (Block 4013, Lot 3), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (95-35-BZ)

WHEREAS, this application under section 7a of the zoning resolution, permitting in a residence use district for a term of two years, the change of occupancy of an existing building (located on the rear of the lot) to a knitting mill, affecting premises 423 Barbey street, east side, 150 ft. north of Belmont avenue (Block 4013, Lot 3), Borough of Brooklyn, July 16, 1935, on certain conditions, permit extended on June 15, 1937, September 12, 1939 and July 22, 1941 and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted July 16, 1935, as last amended on July 22, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"*granted* under section 7a for a term of two (2) years from the date of this *amended* resolution, etc."

286-37-BZ

APPLICANT—Trinor Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the commissioner of buildings) previously granted on condition, under section 7c of the zoning resolution, permitting in a residence use district, the extension of an existing business building.

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PREMISES AFFECTED—428-436 West 54th street, south side, 350 ft. west of Ninth avenue (Block 1063, Lot 47), Borough of Manhattan.

APPEARANCES—

For Applicant: W. Clifford Platt.

For Administration: Fred Dalhem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (286-37-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting in a residence use district, the extension of an existing laundry, affecting premises 428-436 West 54th street, south side, 350 ft. west of Ninth avenue (Block 1063, Lot 47), Borough of Manhattan, was granted by the Board on July 9, 1937, on certain conditions, time extended to obtain permits and complete the work on May 10, 1938, July 5, 1939, July 2, 1940, June 24, 1941 and June 30, 1942 and the applicant requested a further extension of time.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted July 9, 1937, as last amended on June 30, 1942, only so far as it has reference to the time within which to obtain permits and complete the work, so that as amended, this portion of the resolution shall read:

" * * * that all permits shall be obtained and all work completed within one (1) year from the date of this *amended* resolution."

372-40-BZ

APPLICANT—Arnold W. Lederer, for Hyman Levine, City Savings Bank and Julia Ryan, owners (Leopold J. Brown and William Brandt, lessees).

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—768-788 Utica avenue, west side, 40 feet north of Linden boulevard (Block 4655, Lots 20, 22, 25 and 27), Borough of Brooklyn.

APPEARANCES—

For Applicant: Leopold J. Brown and William Brandt.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (372-40-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 768-788 Utica avenue west side, 40 ft. north of Linden boulevard (Block 4655, Lots 20, 22, 25 and 27), Borough of Brooklyn, was granted by the Board on March 18, 1941, on certain conditions, resolution amended on July 1, 1941 and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted March 18, 1941, as amended on July 1, 1941, only so far as it has reference to

the term of the permit, so that as amended, this portion of the resolution shall read:

"*granted* under section 7h for a term of two (2) years from the date of this *amended* resolution, to permit the premises to be occupied for the parking and storage of more than five (5) motor vehicles, etc."

915-40-BZ

APPLICANT—Lama and Proskauer, for Meyer Fish, owner (Pauline Pollock, lessee).

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the borough superintendent) previously granted on condition, under section 7c of the zoning resolution, permitting in a business use district, the extension of a gasoline service station and the erection of a new accessory building.

PREMISES AFFECTED—639-641 Fourth avenue, southeast corner of 19th street (Block 637, Lot 7), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Fred Dahlem, Dep't. of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (915-40-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting in a business use district, the extension of a gasoline service station and the erection of a new accessory building, affecting premises 639-641 Fourth avenue, southeast corner of 19th street (Block 637, Lot 7), Borough of Brooklyn, was granted by the Board on May 27, 1941 on certain conditions, time extended to complete the work on July 23, 1942 and the applicant requested a further extension of time.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted May 27, 1941, as amended on July 23, 1942, only so far as it has reference to the time within which to obtain permits and complete the work, so that as amended, that portion of the resolution shall read:

"that all permits required shall be obtained and all work completed within one year from the date of this *amended* resolution."

222-41-BZ

APPLICANT—Mary Egan, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the borough superintendent) under section 7e of the zoning resolution; previously granted on condition, permitting in a business use district, for a term of two years, the conversion of occupancy of a stable for five horses to a stable for nineteen horses.

PREMISES AFFECTED—918-922 Clove road, west side, 330 ft. south of Empress avenue (as extended); (Block 323, Lot 50), West New Brighton, Borough of Richmond.

APPEARANCES—

For Applicant: Mary Egan.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

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THE RESOLUTION (222-41-BZ)

WHEREAS, this application under section 7e of the zoning resolution, permitting in a business use district for a term of two years, the conversion of occupancy of a stable for five horses to a stable for nineteen horses, affecting premises 918-922 Clove road, west side, 330 ft. south of Empress avenue (as extended); (Block 323, Lot 50), West New Brighton, Borough of Richmond, was granted by the Board on June 24, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted by the Board June 24, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"*granted* for a term of two (2) years from the date of this *amended* resolution, to permit, etc."

Adjourned: 11:30 A.M.

JOSEPH J. DOYLE, Chief Clerk.

REGULAR MEETING,

TUESDAY AFTERNOON, JUNE 29, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

APPEALS FROM ADMINISTRATIVE DECISIONS

185-43-A

APPLICANT—Allan L. Church, for Armstrong and Hess, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—330 Greenwich street, west side, 25 ft. south of Jay street (Block 142, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to July 13, 1943 at 2 P.M., for further consideration by the Board.

238-43-A

APPLICANT—Lama and Proskauer, for Estelle Goldman, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—136 Coleridge street, west side, 260 ft. south of Hampton avenue (Block 7516, Lot 1000), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama, Irving A. Orenland and Estelle Goldman.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to July 20, 1943 at 2 P.M., pending an inspection by a committee of the Board. No further argument.

248-43-A

APPLICANT—Lama and Proskauer, for Erasmus Hall Athletic Field Association, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1407-1463 McDonald avenue, east side, 60 ft. south of Avenue L (Block 6537, Lots 1, 7, 11 and 12), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: Joseph B. Cavallaro, John H. Peterson, Stanley Jagodowski, Christine R. Gebbard, Mrs. Julia Wopceson, Mrs. J. R. Cann and Mrs. A. B. Ellis and others.

For Administration: Fred Dahlem, Dep't. of Housing and Buildings.

ACTION OF BOARD—Laid over to July 9, 1943 at 10 A.M. at request of applicant.

256-43-A

APPLICANT—Keto Chemical Co., Inc., for Beledu Associates, Inc., owner (Red Star Chemical Co., Inc., lessee).

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—40-33 23rd street, east side, 100 ft. north of 41st avenue (Block 408, Lot 9), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: None.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Laid over to July 13, 1943 at 2 P.M. on written request of applicant.

259-43-A

APPLICANT—John Rusinak, for Metropolitan Electric Manufacturing Co., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—22-48 Steinway street, west side, 372.91 ft. north of 23rd avenue (Block 805, Lot 9), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: John Rusinak.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Laid over to July 13, 1943 at 2 P.M. for further consideration by the Board. Applicant to file plans.

267-43-A

APPLICANT—Graton and Knight Co., owner.

SUBJECT—Appeal from a decision of the fire commissioner re Packaging of combustible mixture known as "Neptune waterproof Belt Cement" in one-quart and one-pint glass bottles (capacity of glass bottles not in conformity with Administrative Code Specifications).

APPEARANCES—

For Applicant: Walter C. Menk.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Laid over to July 13, 1943 at 2 P.M. for further consideration by the Board.

284-43-S

APPLICANT—Harold P. Zoller, for Frank C. Decker, Jr., owner.

SUBJECT—Variation of the labor law as cited in a decision of the acting borough superintendent.

PREMISES AFFECTED—699-701 East 135th street, north side, 200 ft. east of Southern boulevard (4th and 5th floors); Block 2564, Lot 67, Borough of The Bronx.

APPEARANCES—

For Applicant: Harold P. Zoller.

For Administration: Fred Dahlem, Dept. of Housing and Buildings.

ACTION OF BOARD—Laid over to July 20, 1943 at 2 P.M., pending an inspection by a committee of the Board.

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294-43-A

APPLICANT—Raymond Irrera, for G. P. W. Realty Co., Inc., owner (Krieger Steel Sections, Inc., lessee).
SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—33-55 to 33-81 12th street, 12-01 to 12-19 34th avenue, northeast corner and 22-52 to 33-80 13th street (Block 522, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Raymond Irrera.

For Administration: Fred Dahlen, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to July 20, 1943 at 2 P.M., pending an inspection by a committee of the Board.

776-42-A

APPLICANT—Sidney H. Kitzler, for Berdean Holding Corporation, owner (Messing Bakeries, Inc., lessee).

SUBJECT—Application for consideration—reopening and restoration to calendar re new proposal (previously dismissed for lack of prosecution)—Appeal from a decision of the borough superintendent (previously denied).

PREMISES AFFECTED—821-827 Bergen street, north side, 350 ft. west of Classon avenue and 890-902 Dean street (Block 1141, part of Lot 28), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sidney H. Kitzler.

For Administration: Fred Dalhem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and restored to the calendar.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

245-43-A

APPLICANT—Milton Weisenberger, owner, represented by Reuben Lesser.

SUBJECT—Appeal from orders of the fire commissioner.

PREMISES AFFECTED—35 Great Jones street, south side, 180 ft. east of Lafayette street (Basement, 1st, 3rd and 7th floors); (Block 530, Lot 24), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal withdrawn on telephonic request of applicant, to comply.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

896-42-A

APPLICANT—Aaron Jacobs, for Tioga Service Corporation, lessee, for Gisstol Service Corporation, owner.

SUBJECT—Appeal from a decision re an order of the fire commissioner.

PREMISES AFFECTED—255 Jackson avenue, west side, 20 ft. north of East 138th street (Block 2567, Lot 30), Borough of The Bronx.

APPEARANCES—

For Applicant: Aaron H. Jacobs.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (896-42-A)

WHEREAS, Aaron Jacobs, for Gisstol Realty Corporation, owner (Tioga Service Corporation, lessee), filed on December 23, 1942, an appeal from an order of the fire commissioner, affecting premises 255 Jackson avenue, west side, 20 ft. north of East 138th street (Block 2567, Lot 30), Borough of The Bronx; and

WHEREAS, the order of the fire commissioner, Order 32474-LC, issued by the fire commissioner October 27, 1942 and repeated in a decision of the fire commissioner dated December 14, 1942, reads:

"2. Discontinue the spraying of any article or thing with any flammable paints, varnishes, lacquers or any other inflammable or combustible substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes on these premises, except in conformance with the rules governing the use of equipment for spraying of paints, varnishes, lacquers and other flammable surface coatings adopted by the Board of Standards and Appeals June 10, 1932 and revised July 16, 1937. Sec. 488, New York City Charter.

and

WHEREAS, the applicant states the building is one story (14 ft.) in height; 100.8 ft. by 75 ft. in area; of Class 3 construction; erected 1925, located in an unrestricted use district and used and occupied as non-storage garage, repair shop and store, 3 persons; that Certificate of Occupancy 1354, issued July 16, 1925 permitted the use of the building as store, loft and garage; and

WHEREAS, the applicant contends that the amount of welding or metal work and spraying done in the building is very small; that no major repairs are done in this building and approximately one quart of paint is used per day; that the applicant has already removed the gasoline pump and filled the gasoline tank with water, enclosed the opening in west wall of building; erected double fire doors between this building and 710 East 139th street and placed the required number of sand pails around the walls of the building and

WHEREAS, plans filed with this appeal, marked "Received June 16, 1943," indicate that there is a distance of 135 ft. between the point where the spraying is done and the area where the welding is done and that the building is equipped with four skylights which are provided with movable louvers; that there are two ten foot wide sliding door openings on the Jackson avenue front of the building and the building is equipped with factory type sash on the Jackson avenue front.

Resolved, that the order of the fire commissioner, as to Order 32474-LC, Item 2, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the spraying shall be at a distance of not less than 125 ft. from the point where the welding is carried on, as indicated on plans marked "Received June 16, 1943" and any openings between this building and any other building shall be protected with fire doors complying with the requirements therefor; that the skylight directly over the spraying space shall be reconstructed, so as to have louvers fixed in an open position; that the building shall not be occupied as a garage and any gasoline storage tanks shall be sealed to the satisfaction of the fire commissioner; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

9-43-A

APPLICANT—Jack Z. Cohen, for Thirty-Six Myrtle Avenue Corporation, owner (Serv-U-Coat and Suit Company, Incorporated, lessee).

SUBJECT—Appeal from a decision re an order of the fire commissioner.

PREMISES AFFECTED—36-42 Myrtle avenue and 348-354 Pearl street, southwest corner (Block 145, Lot 18), Borough of Brooklyn.

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APPEARANCES—

For Applicant: Larry Meltzer and Salvatore La Cerva.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (9-43-A)

WHEREAS, Jack Z. Cohen, for Thirty-Six Myrtle Avenue Corporation, owner (Serv-U-Coat and Suit Company, Inc., lessee), filed on January 5, 1943, an appeal from an order of the fire commissioner affecting 36-42 Myrtle avenue and 348-354 Pearl street, southwest corner (Block 145, Lot 18), Borough of Brooklyn; and

WHEREAS, Order 9301-LC, issued by the fire commissioner November 19, 1942, and repeated in a decision of the fire commissioner, dated December 22, 1942, reads:

"You are hereby notified that an inspection of the above premises, used to store kerosene shows that the following must be done before the permit requested by you can be issued:

FORTHWITH

1. Remove the kerosene oil from the 120 gallon tank and discontinue the further storage of kerosene oil in said tank. C-19-11, Administrative Code.

2. Reduce the amount of kerosene oil stored on the premises to 10 gallons and provide approved safety containers for the storage of range oil. C-19-11, Administrative Code."

and

WHEREAS, the applicant states that the building is 4 stories, (48 ft.) in height, 97 ft. 10 in. by 75 ft. in area; of Class 3 construction; erected 1923; located in an unrestricted use district and used and occupied: Cellar, storage and boiler room. 2 persons; 1st floor, stores, 25 persons; 2nd floor, refrigerator repairs and manufacture of uniforms, 35 persons; 3rd floor, refrigerator repairs, 20 persons; 4th floor, manufacturing ladies coats and suits, 35 persons and manufacturing sportswear, 35 persons; and

WHEREAS, the applicant states that this appeal is filed on behalf of the lessee of half of the fourth floor, who is engaged in the manufacture of ladies coats and suits; that kerosene oil is used to operate a small high pressure steam boiler to create steam for two pressing machines and four hand steam pressing irons; that approximately 20 gallons of kerosene are used during an 8 hour period; that the kerosene is delivered in 5 gallon safety containers then emptied into a steel 120 gallon tank and no empty cans are kept on the premises; that kerosene is pumped from the 120 gallon steel tank by a hand pump to a 10 gallon steel tank which feeds the burner; that a small rubber hose is used to fill the 10 gallon tank from the hand pump; that kerosene cannot be delivered in less than 50 gallon lots and only 2 deliveries per week are made; that since approximately 20 gallons are consumed for each 8 hour working day, it is necessary to have the 120 gallon storage on the premises; that the premises in which the kerosene is located are equipped with two 2½ gallon chemical fire extinguishers, one 1 quart hand pump fire extinguisher, 8 sand pails and 5 water pails; that all of the equipment is protected from mechanical injury; that from the 10 gallon steel tank, the oil is fed to a Webster Oil Burner, by means of galvanized pipe to filter with bronze valve, to permit shutting off supply at tank; that feed from filter to burner is by means of ½-inch diameter copper tubing with compression fittings and enclosed in flexible tubing for protection against mechanical injury.

Resolved, that the order of the fire commissioner, as to Order 9301-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the existing steel welded tank be constructed of steel not less

than 10 gauge and shall be subjected to a hydrostatic oil test of not less than 10 lbs. and shall be removed from the 4th floor and installed in the cellar; that kerosene shall be taken from such tank and pumped into safety cans by means of a hand pump as approved by the Factory Mutual Laboratories or the Underwriters' Laboratories, as it may be needed for supplying the ten gallon tank at burner on the 4th floor which may be maintained as proposed; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

48-43-A

APPLICANT—Frank La Grotta, for New York, New Haven and Hartford Railroad, owner (Conver Steel and Wire Company, lessee).

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—789 East 132nd street, south side, 155.03 ft. east of Willow avenue (Block 2558, Lot 1), Borough of The Bronx.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (48-43-A)

WHEREAS, Frank La Grotta, for New York, New Haven and Hartford Railroad, owner, (Conver Steel and Wire Company, lessee), filed on February 4, 1943, an appeal from an order and a decision of the fire commissioner, affecting premises 789 East 132nd street, south side, 155.03 ft. east of Willow avenue (Block 2558, Lot 1), Borough of The Bronx; and

WHEREAS, the applicant has failed to complete the papers in this case, although duly notified to do so.

Resolved, that the appeal be and it hereby is *dismissed* for lack of prosecution.

56-43-A

APPLICANT—Ajax Contracting Co., Inc., for Heintz and Siegel, owner.

SUBJECT—Application reopened May 18, 1943—re Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—3670-3674 Third avenue, east side, 92.44 ft. south of East 170th street (Block 2925, Lot 29), Borough of The Bronx.

APPEARANCES—

For Applicant: Herman E. Horwood.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (56-43-A)

WHEREAS, McKesson and Robbins, Inc., lessee, for Heintz and Siegel, owner, filed February 8, 1943, an appeal from an order and decision of the fire commissioner; premises 3670-3674 Third avenue, east side, 92.44 ft. south of East 170th street (Block 2925, Lot 29), Borough of The Bronx; and

WHEREAS, Order 32849-LC issued by the fire commissioner December 14, 1942 and referred to in a decision of the fire commissioner dated January 29, 1943, reads:

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"Before a permit may be issued for you to conduct a wholesale drug store, the following must be done:

1. Discontinue practice of using corridors as a place for storage. Sec. C19-135.0, Art. 24, Admin. Code.

3. Provide ventilation in basement (especially in acid and alcohol vaults). Sec. C19-11, Art. 1, Admin. Code."

and

WHEREAS, the applicant states the building is five stories (64 ft.) in height, 88 ft. by 90 ft. in area; Class 1 construction; erected in 1920; located in an unrestricted use district; equipped with a sprinkler system and used as follows: Cellar, boiler room and storage, 1 person; 1st floor, offices, shipping and storage, 52 persons; 2nd to 5th floors, inc., storage, 24, 6, 3 and 1 person; respectively; for which Certificate of Occupancy 440 was issued January 26, 1942; and

WHEREAS, the applicant contends as to item 1 of order, that the corridor spaces on the 2nd and 3rd floors were originally provided to facilitate the distribution of merchandise; that these floors have two legal exits and the corridor spaces are not part of these exits and as to item 3 of order, that the acid room was shown on the original building plan and was constructed in accordance therewith; that this room is concrete enclosed with one steel door and has been used as an acid room since 1920, without accident; that only a small amount of acids, ether colodium, etc., is stored in this room; that if ventilation other than fixed louvers in the acid room door is required, a considerable amount of structural changes and materials will be required, as the acid room is adjacent to the boiler room and the fumes cannot be expelled in the vicinity of an open fire, but will have to be carried through ducts the entire length of the building; that the alcohol room which is enclosed with Gypsum block, cork lined, equipped with wood door and sill, has a small quantity of grain alcohol stored in 2 and 5 gallon steel cans not exceeding 275 gallons; that the door to this room is equipped with a small window to provide ventilation; that the cellar has an emergency exit consisting of double doors which can be left open to provide fresh air for the cellar; and

WHEREAS, this appeal was granted by the Board on March 30, 1943; the resolution reading as follows:

"Resolved, that the order of the fire commissioner, Order 32849-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to Objection 3, *on condition* that the amount of alcohol stored in the alcohol room shall not exceed 275 gallons and shall be in the original packages as received; that the acid stored in the acid room shall be in the original packages as received and both rooms shall be maintained to the satisfaction of the fire commissioner; that concrete sills shall be constructed across each doorway to each room not less than 6 in. in height; that in all other respects, the basement occupancy shall be maintained to the satisfaction of the fire commissioner; as to Objection 1, that the corridor partitions formerly constructed for access to tenants sections, shall be removed; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto;"

and

WHEREAS, the applicant requested an amendment of the resolution; and

WHEREAS, this appeal was reopened and restored to the calendar on May 18, 1943; and

WHEREAS, the applicant, Ajax Contracting Co., Inc., now contends as to Item 1 of the fire commissioner's order, that there are many aisles and passageways to exits provided exclusive of the space which the Fire Department has termed a corridor; that the Fire Department's requirement is evidently due to the fact that there were old exit signs over the openings leading to this space; that these exit signs have now been removed and it is contended that there are adequate

aisles leading to both means of egress and that the space referred to in the violation should not be considered as an exit corridor; and

WHEREAS, the applicant contends as to item 3, that the present alcohol storage room is of wood studs with wood sheathing on the outside and sheet rock on the inside; that it is asked that the owner be permitted to discontinue this room for alcohol storage and to store alcohol in the fireproof acid storage room adjoining, which is more than ample in size for the purpose.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of March 30, 1943, so that as amended the resolution shall read:

Resolved, that the decision of the fire commissioner acting on Order 32849-LC be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to Objection 1, that the space formerly used as a corridor as shown on plans marked "Received May 3, 1943" on the second and third stories may be retained, provided openings are provided and maintained, as indicated on such plans, so as to provide a free and unimpeded access of not less than 3 ft. in width to the two means of exit from each floor; that the former exit signs over the entrances to such former corridor may be discontinued; as to Objection 3, *on condition* that the storage of alcohol as proposed shall be within the fireproof acid storage room as indicated on plans marked "Received May 3, 1943" and the room marked "alcohol room" on such plans shall be discontinued and removed; that the ventilation from such acid storage room shall be maintained as proposed; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

223-43-S

APPLICANT—Joseph Lau, for Union Mortgage Co., owner.

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—29-31 Vandewater street, north side, 161 ft. 6¼ in. west of Pearl street (Block 114, Lot 35), Borough of Manhattan.

APPEARANCES—

For Applicant: Joseph Lau.

For Administration: Fred Dahlem, Dept. of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (223-43-S)

WHEREAS, Joseph Lau, for Union Mortgage Co., owner, filed May 12, 1943, an application for variation of the labor law, as cited in a decision of the borough superintendent; premises 29-31 Vandewater street, north side, 161 ft. 6¼ in. west of Pearl street (Block 114, Lot 35), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, re Alt. Applic. 1426-42, dated April 15, 1943, reads:

"Reconsideration denied. Repeat as follows:

Obj. 2. Plans as filed on 4/19/43 do not comply with section 270 Labor Law."

and

WHEREAS, the applicant states the building is 3 stories (42 ft.) in height, 43 ft. 8 in. by 91 ft. 3½ in. at first floor, 43 ft. 8 in. by 81 ft. 3½ in. in area of typical floor; of Class 3 construction; located in an unrestricted use district; erected in 1928; used and occupied: cellar, storage and boilerroom, 5 persons; 1st floor, office and factory (wash casings), 20 persons; 2nd floor, factory (wash cas-

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ings), 40 persons; 3rd floor, office and rest room, 3 persons; no change in use or occupancy is proposed; that Certificate of Occupancy 16322 was issued April 23, 1930, permitting use of building in cellar for storage; on the first floor for store and warehouse, 5 persons; 2nd floor, warehouse, 6 persons; 3rd floor, same, 6 persons; that the building is equipped with a one-source sprinkler system, one interior 46 in. stairway of steel, enclosed in 6 in. terra cotta plastered both sides, equipped with fireproof self-closing doors with wire glass panels and extending from roof bulkhead direct to street; that there is also one exterior fire escape at rear west side of building, which extends from lowest balcony to yard by iron stairs with egress from yard through adjoining building passage and that windows on the course are fireproof self-closing; and

WHEREAS, Violation 10044 issued February 15, 1942, was for occupying the building as a factory for 50 persons contrary to certificate of occupancy; and

WHEREAS, the applicant contends that the first and second tiers are fireproof construction of steel beams and reinforced concrete; that the third and roof tiers are wood beams covered with 26 in. gauge metal on the ceiling side; that the entire building is equipped with an approved system of sprinklers; that the primary means of egress leading from roof to street is an iron stair 46 in. wide entirely enclosed in 6 in. terra cotta partition with a fireproof self-closing 40 in. door on each floor; that this stairs is equipped with sprinklers; that the secondary means consists of an outside iron fire stairway 44 in. wide with fireproof self-closing doors at each level 42 in. wide; that this outside iron stair is located in a court and extends from the third floor to cellar level, thence through a masonry wall opening protected with fireproof self-closing door into 10 ft. wide passage which leads directly to street; that a variation of Section 270 is requested, to permit factory occupancy of premises with exit facilities as outlined above and as indicated on plans filed under Alt. Applic. 1426-42 dated April 19, 1943.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the borough superintendent acting on Alt. Applic. 1426-42 and that the appeal be and it hereby is *granted* as to objection 2, *on condition* that the building shall not be increased in height or area; that the primary means of exit shall comply with all requirements therefor; that the second means of exit may be an exterior steel stairway as shown with access to all floors and with exit through the adjoining building under the same control giving free passage at all times to Vandewater street; that to effectuate such free passage, the door from such court to the shipping space in the adjoining section of the building, shall have all locks and bolts removed, so as to make such door openable at all times; that the occupancy on each floor shall not exceed the number permitted for the primary means of exit only; that the sprinkler system shall be maintained to the satisfaction of the fire commissioner; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

247-43-A

APPLICANT—United Metal Box Co., Inc., lessee, for S. I. D. Realty, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—168-186 Seventh street, south side, 100 ft. west of Third avenue and 125-143 Eighth street (3rd floor); (Block 996, Lots 21-28), Borough of Brooklyn.

APPEARANCES—

For Applicant: Nathan Denner.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (247-43-A)

WHEREAS, United Metal Box Co., Inc., lessee, for S. I. D. Realty, owner; filed May 22, 1943, an appeal from an order of the fire commissioner, premises: 168-186 Seventh street, south side, 100 ft. west of Third avenue and 125-143 Eighth street (3rd floor); (Block 996, Lots 21-28), Borough of Brooklyn; and

WHEREAS, Order 94714-LC, issued by the Fire Commissioner, May 10, 1943, reads:

"You are hereby notified that an inspection of the above premises, used to store and use Paint & Lacquers, shows that the following must be done before the permit requested by you can be issued:

FORTHWITH:

1. Provide an approved underground storage system for volatile inflammable oil (Savasol #4). Plans must be filed with the Department of Housing and Buildings, before work is started. Installation must proceed in accordance with requirements of this Department. C19-51.0-a, Administrative Code.

2. Provide a drain to an approved tank located outside of building for open dip or immersing tanks holding more than 60 gallons of flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used in connection therewith. Rule 4.1., Spray Rules.

3. Discontinue the storage of spraying, dipping and immersing materials in excess of 200 gallons in a storage room. Rule 6.2, Spray Rules."

and

WHEREAS, the applicant states the building is 3 stories, (40 ft.) in height, 70 ft. by 200 ft. in area; Class 3 construction; erected in 1890; located in an unrestricted use district; equipped with standpipe and sprinkler systems; occupied: Cellar, press operations, 25 persons; 1st floor, seam welding, shipping and packing, 25 persons; 2nd floor, machine shop and spot welding, 25 persons; 3rd floor, assembly, painting, 25 persons; proposed to be occupied: Cellar, same; 1st floor, same; 2nd floor, same; 3rd floor, painting, 6 persons; that Certificate of Occupancy 103901 issued December 22, 1941 permitted the use of the building as a factory throughout, no number of occupants stated; and

WHEREAS, the applicant contends that it is manufacturing two-and-a-half million ammunition boxes for the U. S. Army to be finished in accordance with paint specifications contained in the contract; that in order to apply the paint finish, which consists of two coats, it is necessary to operate two open dip tanks approximately 85 gallons each, in which approximately 400 gallons of paint per day and 100 gallons of Savasol #4 is used as a solvent; that these dip tanks are set up as part of a circulating paint system which includes two 100-gallon storage and mixing tanks located in a fireproof vault, from which the paint is pumped to the dip tanks, located in the dipping room; that at the completion of the day's work, the dipping tanks are drained back into the storage tanks in the paint vault without any paint remaining in the dip tank or dipping room; that directly over the dip tanks and the adjoining drainboard which catch the paint dripping, an automatic CO₂ system with fusible links will be installed for fire prevention, in addition to the regular sprinkler system; that in order to insure uninterrupted production, it is necessary that to maintain a supply of approximately 2,000 gallons of paint and 500 gallons of Savasol stored in a fireproof vault; that to discontinue the storage of the dipping materials in excess of 200 gallons in the storage room and the installation of underground storage tanks for the Savasol #4 is not practicable and would work an undue hardship on the applicant.

Resolved, that the decision of the fire commissioner as to Order 94714-LC, Items 1 and 3, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the equipment shall be maintained substantially as set

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forth and to the satisfaction of the fire commissioner; that the amount of paint and dipping materials shall not exceed 2,000 gallons of paint, 500 gallons of Savasol #4 and 50 gallons of thinner, which shall be stored in fireproof rooms on the first and third floors, to the satisfaction of the fire commissioner; that the Binks circulating system, as permitted by the Board under Cal. 969-39-A, may be continued and modified as proposed by eliminating the spraying use and substituting the dipping tanks and using the piping of the Binks system as a means of returning the paint to the storage rooms; as to item 2, that a drain to an outside tank may be omitted, so long as the paint material in the tanks is returned to the paint storage room as proposed and the automatic fire-fighting equipment is maintained; that the sprinkler system shall be maintained to the satisfaction of the fire commissioner and that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, as modified under Calendar 529 of 21A and 969 of 39A.

249-43-A

APPLICANT—Wilmot and Cassidy, Inc., lessee, for Laura H. Kelly, et al., owners.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—108 Provost street, east side, 50 ft. south of Freeman street (Block 2515, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: John Sheehan and Amelia Buckley.
For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (249-43-A)

WHEREAS, Wilmot and Cassidy, Inc., for Laura H. Kelly, et al, owners; filed May 25, 1943, an appeal from an order of the fire commissioner; premises 108 Provost street, east side, 50 ft. south of Freeman street (Block 2515, Lot 1), Borough of Brooklyn; and

WHEREAS, Order 94576-C of the fire commissioner dated May 5, 1943, reads:

"1. Surrender to the bearer Fire Department Permit No. 109580, expiring September 19, 1943, authorizing the use of premises as a Technical establishment, as it is revoked for the reason that the following must be done:

2. Discontinue the distillation or refining of petroleum or coal tar derivatives, C19-49.0, Admin. Code."

and

WHEREAS, the applicant states that the building is one story and mezzanine (32 ft.) in height, 50 ft. by 100 ft. in area; erected in 1922; located in an unrestricted use district; of Class 3 construction; occupied for chemical operation, 3 persons; that Certificate of Occupancy 74017 issued August 9, 1934, permits the use of the 1st floor for factory and the balcony for storage; and

WHEREAS, the applicant contends that it has been requested by the War Production Board to undertake work which will necessitate the handling and distillation of solvents; that the equipment to be used has been so designed as to reduce the fire hazard to a minimum; that more CO₂ fire extinguishers than are required by the Code have been installed and a "Fyre Fyter" spray nozzle has been connected; and

WHEREAS, the applicant has filed photostatic copies of communications from Davis and Geck, Inc. and the War Production Board in support of this application.

Resolved, that the decision of the fire commissioner as to Order 94576-C, Objections 1 and 2, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building and equipment shall be maintained substantially as indicated on plans marked "Received

June 15, 1943" and to the satisfaction of the fire commissioner; that the portable fire-fighting appliances as described shall be maintained; that such additional portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that relief valves shall be maintained and installed, so as to blow off in the event the pressure exceeds 100 lbs.; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

251-43-A

APPLICANT—The Daunt Corporation, lessee, for Daniel Herzberg, owner.

SUBJECT—Appeal from a decision re an order of the fire commissioner.

PREMISES AFFECTED—120-126 Sutton street, east side, 180 ft. south of Norman avenue and 661-673 Morgan avenue (Block 2659, Lot 16), Borough of Brooklyn.

APPEARANCES—

For Applicant: Theodore Stern and Joseph Levy, Jr.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioner
Blum and Deputy Chief Gunn..... 3
Negative: Commissioner Savage 1

THE RESOLUTION (251-43-A)

WHEREAS, The Daunt Corporation, lessee, for Daniel Herzberg, owner, filed May 25, 1943, an appeal from a decision re an order of the fire commissioner, premises: 120-126 Sutton street, east side, 180 ft. south of Norman avenue and 661-673 Morgan avenue (Block 2659, Lot 16), Borough of Brooklyn; and

WHEREAS, the decision of the Fire Commissioner, dated April 26, 1943, re Order 93774-LC, issued January 7, 1943, reads:

"You are hereby notified that an inspection of the above premises, used to store Paint, Enamel, etc., shows that the following must be done before the permit requested by you can be issued:

4. Discontinue the maintenance of any open flames (oxy-acetylene) within floor area where spray coating is carried on, or separate said open flames or sparking device by partitions constructed of fireproof or fire-resisting material. Rule 6.1.8, Spray Rules."

and

WHEREAS, the applicant states the building is one story in height, 105 ft. by 200 ft. in area; of Class 3 construction; equipped with standpipe and sprinkler systems; erected in 1931; located in an unrestricted use district; occupied: 1st floor, office, boiler room and mfg. radio equipment, 75 persons, for which Certificate of Occupancy 108598 was issued May 21, 1943; and

WHEREAS, the applicant contends that the plant is equipped with an automatic approved sprinkler system, maintained and inspected monthly by the Manhattan Engineering Co. and the building is equipped with an approved standpipe system; that the building runs through from street to street and is engaged 100% in war production for the U. S. Navy; that electric welding and brazing tables are located at the northerly end of the building and the spray booth is located at the southerly end of the building, which is separated by a 12 in. brick wall with two openings therein; that these openings are necessary in order to transfer equipment from said spray booth to an approved drying oven; that the distance from spray booth to the brazing tables is 80 feet; that there is also a paint drip pan, where equipment is sprayed with a corrosive paint on the inside of tubes and there are no vapors of any kind from this process; that premises are maintained under Government supervision and no spraying is done other than as indicated herein; that the spray material used is synthetic enamel and no highly inflammable lacquers or solvents are used in the process; that the spray booth used is an approved type.

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Resolved, that the decision of the fire commissioner as to Order 93774-LC be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* as to item 4, that the arrangement of the equipment shall be substantially as indicated on plans marked "Received May 25, 1943"; that no open flames consisting of electric welding and brazing tables shall be nearer than 80 ft. from the spray booth; that the spray booth shall comply with all requirements therefor; that the drying room described as a steel gas fired drying oven, shall be maintained to the satisfaction of the fire commissioner and ventilated to the outer air; that the brick wall approximately 30 ft. in length shall be maintained between the spray room and drying room or oven from floor to ceiling without openings therein; that in addition, natural ventilation by means of exterior windows to Morgan avenue and Sutton street shall be maintained as well as roof skylights with open louvers during the times spraying is being carried on; that the boiler room shall be separated from the balance of the building by fireproof material and accessible only from the exterior of the building; that the sprinkler system shall be maintained to the satisfaction of the fire commissioner; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto as modified under Calendar 587-37A.

252-43-A

APPLICANT—Brooklyn Tinware Manufacturing Co., Inc., lessee, for New York Standard Manufacturing Co., Inc., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—80-84 Sedgwick street, south side, 175 ft. west of Columbia street (Block 318, Lots 19 and 24), Borough of Brooklyn.

APPEARANCES—

For Applicant: Anna Fried Loffer.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (252-43-A)

WHEREAS, Brooklyn Tinware Mfg. Co., Inc., lessee, for New York Standard Mfg. Co., Inc., owner, filed May 26, 1943, an appeal from an order of the fire commissioner; premises: 80-84 Sedgwick street, south side, 175 ft. west of Columbia street (Block 318, Lots 19 and 24), Borough of Brooklyn; and

WHEREAS, Order 94579-C, issued April 30, 1943, by the Fire Commissioner reads:

"A recent inspection of the above premises, used to store and use Ready Mixed Paints, shows the following must be done in the interest of public safety:

1. Remove coal stoves from the above premises since the heating of building by any method other than by steam or hot water circulating system is not permitted on the same premises where the process of spraying, dipping or immersing, using flammable paints, varnishes, lacquers or any other flammable substances, mixtures of compounds commonly used in connection therewith, is carried on. Rule 1.3.3, Spray Rules."

and

WHEREAS, the applicant states the building is 2 stories, (25 ft.) in height, 60 ft. by 100 ft. in area; Class 3 construction; erected: 1898; located in an unrestricted use district; used for the manufacture of sheet metal articles, 4 persons on the first floor and 2 persons on the second floor; and

WHEREAS, the applicant contends that practically all of the work done on the premises is for the United States Government; that incidental to the manufacturing business, the Company operates a spray booth and kiln for drying

painted products; that the spray booth is 8 ft. by 6 ft. and the kiln 10 ft. 9 in. by 14 ft. 6 in. in area by 8 ft. high; that the spray booth and kiln were insulated in compliance with orders and recommendations of the Fire Department and the spray booth is protected by an independent sprinkler system; that the building is heated by four coal stoves, two of which are located on each floor; that on the 1st floor, the stoves are not near the spray booth; that on the second floor, one stove is 30 ft. distant from the spray booth and 36 ft. from the kiln, while the second stove is at least 75 ft. from the spray booth and kiln; that frequent inspections were made by the Fire Department from April 1, 1936 to April 30, 1943 and at no time was there any objection made to the type of heating in use; that every other recommendation of the Fire Department has been complied with; that the applicant is not in the business of storing ready-mixed paints, as stated in the order; that at no time has there ever been more than 20 gallons of paint on the premises; that the kiln is never lit when the spray booth is in operation; that a fire starting in the kiln could not escape through the metal and asbestos structure; that a sprinkler system protects the spray both; that if the stoves are removed, there will be no adequate heating system which can be substituted and the applicant will be compelled to vacate the building.

Resolved, that the decision of the fire commissioner as to Order 94579-C, item 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that no stove or open flame shall be nearer than 50 ft. to the paint spraying equipment; that such paint spraying equipment shall comply with all requirements therefor; that not more than 20 gallons of paint shall be stored on the premises; that such paint shall be stored in a cabinet satisfactory to the fire commissioner; that protection around the stoves shall be as required under the Oil Burner Rules of the Board for flue-connected space heaters; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

281-43-A

APPLICANT—Edward C. Parish, Long Island Railroad Co., owner (Hugh Charles McCorry, lessee).

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—114-02 Beach Channel drive, northwest side, 400 ft. east of Beach 116th street (Block 598, Lot 260), Rockaway Beach, Borough of Queens.

APPEARANCES—

For Applicant: Edward C. Parish.

For Administration: Fred Dalhem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative: Commissioner Savage 1
Negative: Chairman Murdock, Commissioner
Blum and Deputy Chief Gunn..... 3

THE RESOLUTION (281-43-A)

WHEREAS, Edward C. Parish, for the Long Island Railroad Co., owner (Hugh Charles McCorry, lessee), filed June 8, 1943, an appeal from a decision of the acting borough superintendent; premises 114-02 Beach Channel drive, northwest side, 400 ft. east of Beach 116th street (Block 598, Lot 260), Rockaway Beach, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated May 24, 1943, on Misc. Applic. 7461-39 reads:

"No. 2. The erection of a frame building within the fire limits is contrary to sect. 4.1.2 of the Building Code."

and

WHEREAS, the applicant states the premises consist of a plot 50 ft. front by 200 ft. by 110 ft. irregular in area, located in an unrestricted use district, upon which exists

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a one-story building 8 ft. in height, 23 ft. by 14 ft. in area; Class 4 construction; erected in 1939; used for the sale of boats and the rental of boats and proposed to be used for storage, repairing, sale and rental of boats and boating equipment, counters, showcases, lockers and for the sale of bait, fishing tackle, lunches and fishing accessories; and

WHEREAS, Violation 3237-39, was issued February 4, 1943, for erecting a one-story frame extension 20 ft. by 12 ft. as a temporary structure intended to be moved on piles to Jamaica Bay, without a permit from the Dept. of Housing and Buildings; and

WHEREAS, the applicant contends that in September, 1939, Applic. 7461 was filed for the erection of a one-story gable roof and frame structure and temporary lean-to; that this application was disapproved October 30, 1939; that the lessee erected a one story wooden structure 23 ft. by 14 ft. in area, one story, 8 ft. in height, located approximately 25 ft. from Jamaica Bay and several hundred feet from any other building; that the building has been used for several years for the sale of bait and other accessories for fishing purposes and for the repair and rental of boats and accessories; that in October 1942 and again in December, 1942, violations were served by the Dept. of Housing and Buildings; that the tenants are in the armed service and it took several months to obtain written authority to take steps for the removal of the violation; and it is further requested that the lessee or his assignees or sub-tenants be permitted to use the building as proposed.

Resolved, that the decision of the borough superintendent acting on Misc. Applic. 7461-39, Objection 2, be and it hereby is *affirmed* and that the appeal be and it hereby is *denied*.

283-43-A

APPLICANT—Samuel Rosenblum, for 1938 Park Avenue Corporation, owner (The Polychemical Co., lessee).

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—1920-1938 Park avenue, west side, from East 130th street to East 131st street, 79 East 130th street and 78 East 131st street (Block 1755, Lots 33 and 37), Borough of Manhattan.

APPEARANCES—

For Applicant: Samuel Rosenblum and Dr. Gerald Schorsch.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (283-43-A)

WHEREAS, Samuel Rosenblum, for 1938 Park Avenue Corporation, owner (The Polychemical Co., lessee), filed June 8, 1943, an appeal from an order and a decision of the fire commissioner; premises 1920-1938 Park avenue, west side, from East 130th to East 131st street, 79 East 130th street and 78 East 131st street (Block 1755, Lots 33 and 37), Borough of Manhattan; and

WHEREAS, Order 33984-LC issued by the Fire Commissioner March 30, 1943, reads:

"Before a permit may be issued for you to conduct a technical establishment the following must be done:

1. Discontinue the storage and use of amines on these premises. Sec. C19-133.0, Art. 23, Admin. Code.
3. Discontinue the use of direct fired gas heated still for distillation if inflammable materials (mixed amines).
4. Provide double walled metal cabinet vented directly to the outer air for volatile solvents and Benzoyl Peroxide. Sec. C19-11, Art. 1, Administrative Code.
5. Provide metal shelves for reagents. Sec. C19-11, Art. 1, A.C."

and

WHEREAS, the said order was referred to in a decision of the Fire Commissioner, dated May 26, 1943, reading:

"Our order numbered 33984-LC dated March 30th, 1943, has not been complied with.

Another inspection will be made within ten days, at which time a summons will be served if it is found that the violations have not been removed.

Your attention is again directed to the fact that it is a violation of the Administrative Code to maintain a technical establishment without a permit from the Fire Chief and Commissioner."

and

WHEREAS, applicant states the building is 6 stories (80 ft.) in height, 200 ft. by 90 ft. in area; Class 1 construction; erected in 1899; located in an unrestricted use district; equipped with a standpipe system; used and occupied: Cellar, laundry, 50 persons; 1st floor, stores, 50 persons; 2nd floor, factory and knitting mills, 75 persons; 3rd floor, mfg. novelties, printing, etc., 75 persons; 4th floor, mfg. machine tools, etc., 75 persons; 5th floor, factory, knitting mills, etc. 75 persons; 6th floor, chemical laboratory, etc., 40 persons; and

WHEREAS, the applicant contends that it maintains a small chemical laboratory on the top floor, for the manufacture of pharmaceutical preparations and used mainly for experimental purposes in furtherance of the war effort; that the main chemical carried is one drum of Diethylentriamine, from which by distillation Piperazine is extracted; that the Diethylentriamine has a flashpoint of about 250° F.; that the laboratory is in charge of experienced and practical chemists; that small reagents common to any university laboratory are stored on wood shelves; that to replace the wood shelves with metal would not be of any great moment as the amount of wood is small; that the distillation process consists of heating the material in retorts by gas on the same principle as a Bunsen flame; that the entire space consisting of about 1,000 sq. ft. is separated from the rest of the floor by fireproof partitions, fireproof floor and ceiling and vented by skylight; that the building is equipped with two enclosed stairways, horizontal exit and fire escapes.

Resolved, that the order of the fire commissioner, Order 33984-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to Objections 1 and 3, *on condition* that amines and other material used shall be of the non-explosive type; as to Objection 4, that the amount of volatile solvents shall not exceed a quantity of 8 ounces of each such volatile solvents; as to Objection 5, that existing wood shelves may be maintained provided the existing amount of such shelving is not increased; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto as varied under calendar numbers 795-22A, 1425-22A and 217-24A; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct and that the premises and operations shall at all times be under the control of a person holding a certificate of fitness.

290-43-A

APPLICANT—S. J. Koff, for Sidem Realty Co., owner (The Charles Fischer Spring Co., lessee).

SUBJECT—Appeal from an order and a decision re an order of the fire commissioner.

PREMISES AFFECTED—517-525 Union avenue, west side, 47 ft. south of Withers street (Block 2315, Lot 14), Borough of Brooklyn.

APPEARANCES—

For Applicant: S. J. Koff and Bernard Fuchs.

For Administration: Insp. Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

MINUTES

THE RESOLUTION (290-43-A)

WHEREAS, S. J. Koff, for Charles Fischer Spring Company, lessee (Sidem Realty Company, owner), filed on June 11, 1943, an appeal from orders of the fire commissioner, affecting premises 517-25 Union avenue, west side, 47 ft. south of Withers street (Block 2315, Lot 14), Borough of Brooklyn; and

WHEREAS, Order 93856-LC, issued by the fire commissioner January 26, 1943, and repeated in a decision of the fire commissioner dated May 18, 1943, reads:

"You are hereby notified that an inspection of the above premises used to store and use rubber cement, lacquer, etc., shows that the following must be done before the permit requested by you can be issued:

3. Have each operator supervising the operation of a blow-pipe or other similar device or apparatus for heating, melting or welding, apply for and secure a certificate of fitness. C19-93.0-b, Administrative Code."

and
WHEREAS, Order 95132-LC, issued by the fire commissioner June 22, 1943, reads:

"Your application for a permit for the proposed use of hydrogen gas for tempering purposes is hereby disapproved in the interest of public safety for the reason that the proposed use of same in a room with open flames (tempering retorts and gas heated hardening furnaces) creates an extremely dangerous fire and explosion hazard.

1. You are therefore directed not to store or use any hydrogen gas on the above premises. C19-11, Administrative Code."

and
WHEREAS, the applicant states the building is 2 stories (28 ft.) in height, 160 ft. by 40 ft. in area; of Class 3 construction; erected prior to 1916; located in an unrestricted use district, and used as follows: Cellar, storage, no persons; 1st floor, assembly of metal products, 150 persons; 2nd floor, sewing on goggles, 175 persons; and

WHEREAS, the applicant contends as to Item 3 of Order 93856-LC, that approximately 25 persons are employed in brazing metal parts for essential war equipment under the supervision of a foreman and an assistant foreman who are in constant attendance and supervise the work; that both the foreman and assistant foreman possess certificates of fitness and have complete charge of setting up and maintaining the brazing apparatus; that to comply with the fire commissioner's order would curtail production and it is therefore requested that the Board relieve the applicant from the hardship which would result from enforcement of the fire commissioner's requirement, that each operator obtain a certificate of fitness; and

WHEREAS, the applicant contends as to Order 95132-LC, that it is proposed to construct a one story building 10 ft. by 17 ft. 5 in. in area of masonry construction with a 4 in. cinder concrete slab roof, to house the tempering room, such room to be separated from the adjoining one story portion of the existing factory building by a 3 hour self-closing fireproof door and additional access to be provided direct to the outer air by means of a 3 ft. 8 in. by 7 ft. wood door; that the tempering room will be ventilated by a skylight not less than 6 ft. by 6 ft. in area, equipped with fixed louvers and by at least two windows equipped with factory type sash; that within the tempering room, it is proposed to construct a vault for the storage of 3,382 cu. ft. spare cylinders of mixed hydrogen and nitrogen in addition to the two cylinders of mixed hydrogen and nitrogen which will each be strapped securely to the wall within approximately 5 ft. of each tempering furnace, from which point the gases will be piped to the furnace by flexible rubber tubing attached to the couplings by wire fasteners kept tight by steel bolts; that all of the spare cylinders kept within the vault, will be strapped securely to the walls to prevent damage to the cylinders; that the vault will be

ventilated directly to the outer air and will be constructed of masonry material not less than 4 in. in thickness or of steel construction and equipped with a 1½ hour test self-closing fireproof door; that the floor of the tempering room and the vault will be concrete; that the brazing consists of a round pot shape gas furnace, into which is inserted a bell shaped metal container holding the steel parts which are to be brazed together; that 15% hydrogen and 85% nitrogen gas is then fed into the container to prevent oxidation or sealing of the steel during the process; that the heat is brought to approximately 2,200° F. and left to cool for 2 hours; that the bell container is made of steel and approximately 10 in. in diameter and 14 in. high; that there is no product of combustion or volatile materials emitted during the process of the brazing; that the furnace is approximately 2½ ft. in diameter and 3 ft. high; that the hydrogen and nitrogen gas is usually bought from the Linde Air Products in approved type steel cylinders in quantities of three cylinders at a time; that the work done at this plant is 100% in connection with supplying materials for the armed forces; that plans showing the proposed construction will be filed with the borough superintendent and all of the requirements of the borough superintendent will be complied with as will all of the requirements of the fire commissioner and such conditions as the Board may specify in its resolution; that all necessary safety valves will be installed to the satisfaction of the fire commissioner and the entire operation will be under the supervision of a person holding a certificate of fitness at all times.

Resolved, that the order of the fire commissioner Order 95132-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the proposed addition to the building shall be substantially as indicated on plans filed with this appeal, marked "Received June 28, 1943" and shall be of Class 1 construction and approved as to construction and occupancy by the borough superintendent; that the sprinkler system shall be extended from the adjoining building to cover this addition; that the skylight in the roof shall be equipped with fixed louvers as indicated; that the connections between the cylinders and the furnaces shall be of flexible metal tubing, arranged to the satisfaction of the fire commissioner; that such space shall be occupied for the brazing of metal only; that all controlling and regulating apparatus used in conjunction with the hardening of tempering furnaces shall be of approved type; as to Order 95132-LC, that in the portion of the building where persons are at work brazing goggles, the person in charge of such operatives shall at all times hold a certificate of fitness issued by the fire commissioner.

291-43-A

APPLICANT—Crow, Lewis and Wick, for Victory Memorial Hospital, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—9036-9060 Seventh avenue, 683-717 92nd street, northwest corner and 129-131 Parrot place (Block 6094, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: G. A. Harteing.

For Administration: Fred Dalhem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioner

Blum and Deputy Chief Gunn..... 3

Negative 0

Not Voting: Commissioner Savage 1

THE RESOLUTION (291-43-A)

WHEREAS, Crow, Lewis and Wick, or Victory Memorial Hospital, owner, filed on June 12, 1943, an appeal from a decision of the borough superintendent, affecting 9036-9060

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Seventh avenue, northwest corner of 92nd street, 683-717 92nd street and 129-131 Parrot place (Block 6094, Lot 1), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent dated June 7, 1943, acting on B.N. 740-43, reads:

"3. Boilers are not connected to separate flues, as required by Rule 16 (sic) of the Oil Burner Rules of the Board of Standards and Appeals."

and

WHEREAS, the applicant states the building is 4 stories (62 ft. 6 in.) in height, 128 ft. 6 in. by 81 ft. 8 in. in area at typical floor; of Class 1 construction; erected 1918; located in a business and residence use district; and used and occupied as a hospital, for which Certificate of Occupancy 65205 was issued September 16, 1931, without stating any permitted number of occupants; and

WHEREAS, applicant contends that the building, together with the interior chimney, was erected in 1918; that coal-fired boilers were installed in 1920 and in 1937, the coal-fired boilers were removed and oil-fired boilers were installed in accordance with the Oil Burner Rules of the Board; that because of the present emergency and to conserve oil, No. 2 Boiler only will be changed from oil to coal-fired, by order of the W. P. B.; that in order to comply with section 12.1 (Rule 12) of the Board's Oil Burner Rules, it is proposed to provide a damper in the separate breeching connection of No. 2 Boiler in a manner identical with the Board's ruling on similar application; that the type of damper which it is proposed to install, is a Draft-O-Stat in the breeching of No. 2 Boiler between the boiler and the entrance to the common chimney.

Resolved, that the decision of the borough superintendent, acting on Building Notice 740-43, Objection No. 3, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that a damper shall be installed in the breeching, as proposed; that Certificate of Occupancy 65205 shall be amended, so as to state the number of occupants permitted; that in all other respects, the requirements of the Oil Burner Rules of the Board of Standards and Appeals shall be complied with and that the building and occupancy shall comply in all other respects with all laws, rules and regulations applicable thereto.

307-43-S

APPLICANT—George S. Stringer, for Ford Instrument Co., Inc., owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the fire commissioner and a decision of the acting borough superintendent.

PREMISES AFFECTED—43-22 to 43-46 Queens street, south side, 200 ft. south of Jackson avenue and 43-17 to 43-37 Dutch Kills street (Block 266, Lot 3), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: George S. Stringer.

For Administration: Fred Dahlem, Dep't of Housing and Buildings and Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (307-43-S)

WHEREAS, George S. Stringer, for Ford Instrument Co., Inc., owner, filed June 23, 1943, an application for variation of the labor law, as cited in an order of the fire commissioner and a decision of the acting borough superintendent; premises 43-22 to 43-46 Queens street, west side, 200 ft. south of Jackson avenue and 43-17 to 43-37 Dutch Kills street (Block 266, Lot 3), Long Island City, Borough of Queens; and

WHEREAS, Order 10537-LF issued by the Fire Commissioner May 14, 1943, reads:

"2. Remove all partitions not built of incombustible materials as per sections 263 and 270 of the Labor Law."

and

WHEREAS, said order was referred to in a decision of the fire commissioner dated June 21, 1943; and

WHEREAS, the decision of the acting borough superintendent, dated June 22, 1943, on Misc. Applic. 1651-43, reads:

"1. The erection of wooden partitions in a fireproof factory is contrary to sections 263 and 264 of the Labor Law and Section 3.2.1 Bldg. Code."

and

WHEREAS, the applicant states the building is six stories (82 ft.) in height, 259 ft. by 200 ft. in area; Class 1 construction; erected in 1919; altered in 1929 and 1941; located in an unrestricted use district; used and occupied: Cellar, boiler room, 10 persons; 1st floor, storage and manufacturing Naval instruments, 150 persons; 2nd to 5th floors, same, 320, 300, 200 and 320 persons respectively; 6th floor, office and manufacturing Naval instruments, 300 persons, proposed to be used without change and occupied as follows: Cellar, same; 1st floor, same; 2nd floor, 390 persons; 3rd floor, 370 persons; 4th floor, 370 persons; 5th floor, 370 persons; 6th floor, 370 persons; that the building is equipped with a standpipe system and a two-source sprinkler system, an interior fire alarm system; that no fire drills are maintained; that there are five interior stairs of fireproof construction extending from roof to street; and

WHEREAS, the applicant contends, that due to the shortage of incombustible materials, it has become necessary to construct partitions of light weight materials to facilitate moving same, due to the rapid increased and expansion for production and therefore the type of partition which has been erected, was chosen for this purpose; that the partitions in question separate shop foremen's offices, dispatch stations, tool cribs and stockrooms from the main shop section; that in addition thereto, some of the partitions were required by the U. S. Navy for safe storage of tools, jigs, fixtures and finished parts; that the partitions consist of 2 in. by 4 in. wood studs covered with wire mesh, beaver board and/or plywood and were erected for the duration of the present emergency; that the building is reinforced concrete, 100% sprinklered with a two-source supply, a complete standpipe system, A. D. T. fire alarm system and an approved N. Y. C. fire alarm system is now being installed, pursuant to plans approved by the Bureau of Fire Prevention of the Fire Department; that a local fire brigade unit will be organized and trained for the protection of the premises.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the borough superintendent acting on Misc. Applic. 1651-43, Objection 1, and that the application be and it hereby is *granted on condition* that the combustible partitions erected as indicated on plans filed with this appeal marked "Received June 23, 1943" shall be removed within two years from the date of this resolution; that the standpipe and sprinkler system and interior alarm with Central Station connection, shall be maintained; that a certificate of occupancy shall be obtained and in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified under Cals. 138-40-A, 846-42-A, 872-42-A and 847-43-S.

311-43-A

APPLICANT—Edward J. Stauffer, for Mt. Sinai Hospital, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

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PREMISES AFFECTED—1-21 East 100th street, 2-20 East 101st street, 1190-1198 Fifth avenue and 1460-1468 Madison avenue, entire block (Block 1606, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: S. N. Adelman.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (311-43-A)

WHEREAS, Edward J. Stauffer, for Mt. Sinai Hospital, owner, filed June 25, 1943, an appeal from a decision of the borough superintendent, affecting premises 1-21 East 100th street and 2-20 East 101st street, entire block surrounded by East 101st street, East 100th street, Fifth and Madison avenues (Block 1606, Lot 1), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent dated June 16, 1943, on Misc. Applic. 473-43, reads:

"1. Tank to be constructed as called for in Rule 5.1.4 of Oil Burner Rules."

and

WHEREAS, the applicant states that the proposed structure will be located below grade, will be 17 ft. 9 in. by 22 ft. in area and consist of the installation of two 2,400 gallon electrically welded Diesel oil storage tank; and

WHEREAS, the applicant contends that the hospital recently purchased these tanks which were formerly used for the storage of lubricating oil; that the tanks are two years old and in good condition; that it is proposed to install the tanks outside of the building under a driveway, enclosed with 12 in. reinforced concrete walls and tanks placed on concrete saddles bearing on rock and the space between the tanks and between the tanks and reinforced concrete walls will be filled with concrete having compressive strength of 3500 P.S.I., thus creating a solid masonry mass incapable of settling; and it is requested that a variance be granted from the requirements of Rule 5.1.4 of the Oil Burner Rules for interior tank bracing, as the reinforced concrete walls and concrete fill will provide adequate bracing in lieu of required bracing.

Resolved, that the decision of the borough superintendent on Misc. Applic. 473-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the tanks shall be installed as indicated on plan filed with the Department of Housing and Buildings on May 14, 1943, under Alt. Applic. 364-43, and that in all other respects, the construction and installation shall comply with the requirements of the Oil Burner Rules of the Board, except that the construction of tanks may be as proposed.

216-34-A

APPLICANT—Haeuser Shellac Company, Incorporated, lessee.

SUBJECT—Application for consideration—reopening and extension of permit—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—52-64 Warren street, south side, 214 ft. west of Columbia street (Block 303, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Arthur Hafner.

ACTION OF BOARD—Appeal reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (216-34-A)

WHEREAS, this appeal from an order of the fire commissioner, affecting premises 52-64 Warren street, south side, 214 ft. west of Columbia street (Block 303, Lot 1), Borough of Brooklyn, was granted by the Board June 18, 1935, on certain conditions; the term of the permit extended from time to time; resolution amended November 12, 1941, permit last extended on June 30, 1942, and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted on June 18, 1935, as amended through resolutions adopted June 30, 1942, only so far as it has reference to the term of the permit, so that as amended this portion of the resolution shall read:

"* * * *granted* for a term of one (1) year from the date of this *amended* resolution, etc."

35-43-S

APPLICANT—Frank Straub, for Senalton Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and restoration to calendar—Variation of the labor law as cited in a decision of the borough superintendent previously dismissed for lack of prosecution).

PREMISES AFFECTED—38 West 38th street, south side, 412 ft. east of Sixth avenue (Block 839, Lot 68), Borough of Manhattan.

APPEARANCES—

For Applicant: Frank Straub.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened, restored to the calendar and granted on condition.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE VOTE TO GRANT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (35-43-S)

WHEREAS, Frank Straub, for Senalton Realty Corporation, owner, filed on January 21, 1943 an application for variation of the requirements of the Labor Law as cited in a decision of the borough superintendent, affecting premises 38 West 38th street, south side, 412 ft. east of Sixth avenue (Block 839, Lot 68), Borough of Manhattan; and

WHEREAS, this application was dismissed for lack of prosecution on June 8, 1943; and

WHEREAS, the applicant requested a reopening and restoration to the calendar; and

WHEREAS, the decision of the borough superintendent dated January 7, 1943 on Alt. Applic. 1293-42 reads:

"2. Alt. 2246-22 extending building front and rear for all floors. This constitutes a building erected after 1913. This building is 5 stories in height and should be of fire-proof construction throughout. Section 270 Labor Law.

3. a. Provide 2 means of egress with fireproof enclosure, stair to be 3 ft. 8 in. min. width and doors to same to be F.P.S.C. and swing outwardly as per 270 Labor Law.

b. Elevator shaft to be enclosed in fireproof material as per section 263 and 270, Labor Law."

and

WHEREAS, the applicant states that the building is 5 stories (60 ft.) in height, 21 ft. by 98 ft. 9 in. in area at first floor; 21 ft. by 88 ft. 9 in. in area at typical floor, of Class 3 construction, erected about 1874, located in a retail use district and used and occupied: cellar—storage and boiler room—1 person; 1st floor—restaurant—75 persons; 2nd to 5th floors—offices and showroom; proposed to be

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used and occupied as follows: cellar—same; 1st floor—store and factory—10 persons; 2nd to 5th floors inclusive—offices and showrooms and factory—15 persons per floor; that the building is equipped with one 3 ft. 8 in. interior steel and concrete stairs enclosed in 2½ in. concrete partitions supported in 4 in. by 4 in. by ¾ in. angles leading from roof bulkhead directly to street and equipped with metal covered self-closing doors; that the building is also equipped with one Labor Law fire escape at rear of building, leading to roof by stairs and to street through fire passage on second story; that windows on the course of the fire escape are fireproof; and

WHEREAS, the applicant contends that the building was altered to its present use in 1923; that all doors to halls and fire escape are fireproof self-closing; that the building is provided with two means of egress consisting of a stairway 3 ft. 8 in. wide, constructed of incombustible materials, enclosed with fireproof partitions throughout; that it is requested that the Board grant a variance, so as to permit the use of the floors for light manufacturing in connection with the business carried on on each floor; that the total area to be used for factory is 5 per cent of the total floor area of each story; and

WHEREAS, the premises were inspected by a committee of the Board.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the Labor Law, as cited in a decision of the borough superintendent on Alt. App. 1293-42 and that the application be and it hereby is granted on condition that the building shall not be increased in height or occupancy; that the existing primary means of exit shall be maintained as shown, and provided the doors are made to swing outwardly and that the elevator shaft is enclosed in fireproof material, in accordance with requirements; that the requirements of the zoning resolution, as to floor occupancy for factory purposes, shall be complied with; that the number of persons occupying the building shall be restricted to the primary means of exit; that the exterior fire escape shall be maintained as shown, with exit to the street by means of a fireproof passageway through the primary means of exit; that all doors leading to exits shall be openable on both sides during working hours; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

59-43-A

APPLICANT—Koch and Wagner, for Dredger Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—2413-2435 Pacific street, north side, 200 ft. east of Sackman street (Block 1437, Lot 46), Borough of Brooklyn.

APPEARANCES—

For Applicant: Frank C. Keller and Arthur R. Koch.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (59-43-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 2413-2435 Pacific street, north side, 200 ft. east of Sackman street (Block 1437, Lot 46), Borough of Brooklyn, was granted by the Board on April 6, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted April 6, 1943, so that as amended, the resolution shall read:

"Granted on condition there shall be constructed at the openings, a baffle plate of metal or other incombustible material for the full width of such openings, extending down from the ceiling for a distance of approximately 2 ft. and on either side of such baffle and distant 3 ft. therefrom, there shall be constructed a sprinkler curtain with sprinkler heads 5 ft. on centers, including heads in the adjoining offices, all as shown on plans filed marked "Received June 5, 1943"; that the heads on the line on one side shall be staggered from the heads on the line on the other side, as indicated; that such sprinkler piping may be fed from the domestic water supply line, provided the same is not less than 3 inches in diameter from the street at all points; and, granted only so long as the occupancy remains substantially unchanged."

188-43-A

APPLICANT—Peter A. Strobel, for Defense Plant Corporation of U. S. A., owner (Republic Steel Corporation, agent).

SUBJECT—Application for consideration—reopening and amendment to resolution—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—160 Scott avenue, southeast corner of Scholes street (Block 2972, Lot 125), Borough of Brooklyn.

APPEARANCES—

For Applicant: Walter C. Knight.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (188-43-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 160 Scott avenue, southeast corner of Scholes street (Block 2972, Lot 125), Borough of Brooklyn, was granted by the Board on May 18, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted May 18, 1943, by adding thereto:

"that this variance shall include all white water piping throughout the building beyond the meter * * *."

231-43-A

APPLICANT—Alexander D. Crosett, for Defense Plant Corporation, owner (Columbia Aircraft Corporation, lessee).

SUBJECT—Application for consideration—reopening and restoration to calendar—re Appeal from a decision of the acting borough superintendent; previously withdrawn.

PREMISES AFFECTED—145-03 Hook Creek boulevard, east side, 34 ft. south of 145th avenue (Block 4952, Lot 1), Rosedale, Borough of Queens.

APPEARANCES—

For Applicant: Henry G. Hauck.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened, restored to the calendar and granted on condition.

MINUTES

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE VOTE TO GRANT—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.... 4
Negative 0

THE RESOLUTION (231-43-A)

WHEREAS, Alexander D. Crosett, for Defense Plant Corporation, owner (Columbia Aircraft Corporation, lessee), filed on May 17, 1943, an appeal from a decision of the borough superintendent, affecting premises 145-03 Hook Creek boulevard, east side, 34 ft. south of 145th avenue (Block 4952, Lot 1), Rosedale, Borough of Queens; and

WHEREAS, this appeal was withdrawn on June 8, 1943 and the applicant requested a reopening and restoration to the calendar; and

WHEREAS, the decision of the borough superintendent dated April 28, 1943 on N. B. Applic. 1393-42 reads:

"1. Proposed use of 2 in. beams is contrary to Sec. 7.1.4, B.C.

5. Gutter and leaders must be provided. Sec. 14.9.20, also same must be incombustible materials. Sec. 10.12.13.1, B.C."

and

WHEREAS, the applicant states that the building will be 1 story (12 ft.) in height, 26.5 ft. by 45.5 ft. in area, of Class 3 construction, located in a business use district and used for offices—25 persons; and

WHEREAS, the applicant contends as to Objection 1, that the floor and roof beams indicated on drawings filed with the borough superintendent, were designed of sufficient strength to support the imposed loads and the thickness of 2 in. was chosen because the W.P.B. required the use of lumber of minimum thickness; and

WHEREAS, the applicant contends as to Objection 5, that gutters and leaders have not been provided, in order to conserve critical materials; that the ground surface will slope away from the building, in order to facilitate quick run-off of surface water and prevent injury to adjacent walls and footings and that there will be no floor located below grade.

Resolved, that the decision of the borough superintendent, acting on N. B. Applic. 1393-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the requirements as to roof loading shall be complied with; as to Objection 5, that the ground surface around the building shall be sloped as proposed and that as soon as materials are available, the gutters and leaders shall be provided; that such sloping ground shall be treated with suitable impervious material for a distance of approximately 2 feet from the building on all sides; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

APPLIANCE MATERIALS SUBMITTED FOR APPROVAL

1144-38-SM

APPLICANT—McNamara Products Company, owner.

SUBJECT—Application for consideration—reopening to consider new tests as provided in resolution—re Flamex (Salenite Flameproofing); previously approved.

APPEARANCES—

For Applicant: Joseph Cortez.

ACTION OF BOARD—Application reopened, restored to the calendar and referred to the Committee on Tests.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gun... 4
Negative 0

35-42-SA

APPLICANT—Morgan D. Andrews, for Monitor Heat Exchange Corporation, owner.

SUBJECT—Sentinel Oil Preheater (for steam or water), approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (35-42-SA)

WHEREAS, Morgan D. Andrews, for Monitor Heat Exchange Corporation, owner, filed on January 13, 1942, an application with the Board of Standards and Appeals for the approval of the appliance known as the Sentinel Oil Preheater (for steam or water); and

WHEREAS, the applicant failed to make any arrangement for the test of this appliance, although duly notified to do so.

Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

482-39-SM

APPLICANT—United States Gypsum Company, owner.

SUBJECT—Oriental Exterior Stucco and Samson Exterior Stucco, approval of.

APPEARANCES—

For Applicant: R. R. Heiges.

ACTION OF BOARD—Material approved in accordance with report of Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.... 4
Negative 0

THE RESOLUTION (482-39-SM)

WHEREAS, the United States Gypsum Company, owner, filed on April 18, 1939, an application with the Board of Standards and Appeals for approval of the material known as Oriental Exterior Stucco and Samson Exterior Stucco; and

WHEREAS, this material was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

May 28, 1943.

Re: Cal. 482-39-SM.

Subject: Oriental Exterior Stucco, Also known as Samson Exterior Stucco, Approval of.

The U. S. Gypsum Company of New York City filed an application with the Board of Standards and Appeals for approval of their material known as Oriental Exterior Stucco and Samson Exterior Stucco under the provisions of C26-178.0b Administrative Building Code.

This material consists of approximately 80% marble aggregate and 20% cementitious material (White Portland Cement and Dolomite Hydrated Lime) with plasticizing and waterproofing ingredients, approximately 10 lbs. per ton of bulk. To this is added limeproof mineral oxide pigments for coloring, not exceeding 40 lbs. per ton, the amount used depending on the color and shade of color. All material is prepared at the mill and the addition of water only is required at the job.

APPLICATION OF STUCCO

The stucco is applied over metal lath, steel fabric, brick or tile or over frame structures, old cement stucco or masonry walls. It can be trowelled or finished to any texture. It adds to the fire safety, durability and

MINUTES

water-tightness when provided with corrosion resisting flashing.

For Frame Buildings—Exterior framing and flashing is completed and in place before reinforcement is applied. For Stucco reinforcement it is proposed to use 3.4 lbs. self-furring diamond mesh lath, either galvanized or copper bearing.

The Self-Furring Metal Lath is applied with not less than 6d common galvanized nails driven to full penetration of sheathing and bent upward to engage two diamonds of the lath. One inch, 14 gauge galvanized wire staples may be used instead of nails for metal lath. They are driven so that the top of the staple projects $\frac{1}{8}$ in. from building paper or sheathing. Nails or staples securing metal lath are placed not more than 16 inches apart horizontally and not more than 6 inches apart vertically. Side laps are wired at intervals of not more than 6 in. with 18-gauge galvanized soft annealed wire.

Erection—Reinforcement is applied horizontally starting at the right hand corner of the wall surface, one stud from the corner. The sheet is bent around corner and carried on to the abutting wall so that no joints will fall at corners. All vertical joints are staggered. Reinforcement is so placed that each sheet laps over the sheet above.

Self-Furring Metal Lath is applied with corrugations against the backing surface. Metal lath is lapped at sides and ends at least one inch and carried around all corners to next support. Reinforcement is lapped three inches over foundations and placed where wood and masonry meet. With gypsum sheathing and in all open construction reinforcement is laced between studs. When metal supports are used it is tied at least every six inches along supports. Additional strips of reinforcing 3 inches wide and 2 feet long are placed diagonally at corners of all openings.

Gypsum Sheathing and Insulating Sheathing. Over asphalt coated sheathing or gypsum sheathing, 3.4 lb. self-furring diamond mesh lath is applied, where these types of sheathing are to be used as a base for stucco exterior.

For Masonry Surfaces. All brick, tile, masonry, and all old stucco surfaces must be free from dust, dirt, grease and efflorescence. Wire brushing is recommended for removing loose dust and dirt. To remove oil, dirt, grease and efflorescence wash with a muriatic acid solution (one part acid to five parts water), scrubbing thoroughly with a stiff fibered brush. Follow within thirty minutes with a clean water wash to remove all acid. It is absolutely necessary that no traces of acid solution remain.

Painted brick walls or waterproofed surfaces should be bush-hammered to remove paint or waterproofing, or lathed with metal lath. Monolithic concrete walls should be bush-hammered or roughened with other special tools and then washed thoroughly with water to remove dirt and loose particles.

Old Portland cement stucco must have a thorough bond to all under surfaces, and parts that are sound shall have all cracks filled before stuccoing. Loose or scaling parts must be removed and repaired. Use Stucco Base Coat for repairing and allow at least a week for curing. Patch work should be wet down daily for several days for proper curing.

When the surface has been properly prepared as described herein, stucco should be applied as follows:

The Base Coat, which consists of one part of the stucco mixture and three parts clean, sharp sand with water only, added on the job, is applied in two coats, the first coat not less than $\frac{1}{2}$ " thick and scratched. When this coat is thoroughly dry, a second coat not less than $\frac{3}{8}$ " thick, properly floated to straighten the work, is applied, and lightly scratched.

Finish Coat. When second base coat is thoroughly dry, the wall is wet down to cut suction, and a finish coat $\frac{1}{8}$ " to $\frac{1}{4}$ " thick, depending upon the finish, is applied. The finish coat may be troweled smooth, or given any texture. This finish coat is of the stucco mix without sand and of the desired color. Only enough water is used to render the material workable.

TESTS

This material was inspected and tested at premises, N.W.C. 31st Street, Lexington Avenue, New York City, after the work was 14 years old, and at 150 East 21st Street, New York City, where the work was 10 years old and at other locations where work had been done not less than ten years ago and where the stucco was found in very good condition without noticeable cracks, spalling or discoloration.

RECOMMENDATION

On the basis of the test it is recommended that Oriental Exterior Stucco also known as Samson Exterior Stucco be approved for use in New York City, provided that the stucco work be done in accordance with the details contained herein, that protection trim be provided for all stucco, that when applied around a chimney, the metal reinforcement shall be placed entirely around the chimney, that stucco shall be limited to not closer than 2 ft. to the surrounding grade or not less than one ft. where a masonry water table one ft. in height is provided, that this stucco shall not be used on horizontal surfaces exposed to the weather; that all coloring material be of the mineral pigment type; that in hot dry weather the stucco work shall be protected by hanging wetted tarpaulins, that no stucco work be done when the temperature is below 32° F. unless adequate protection against freezing is provided and that each bag of stucco shall be marked, or tagged reading, "Approved by the Board of Standards and Appeals, for Use in New York City, under Cal. 482-39-SM."

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on tests.

and

WHEREAS, this report recommended the approval of this material.

Resolved, that the Board of Standards and Appeals does hereby approve the material known as Oriental Exterior Stucco and Samson Exterior Stucco on condition that the material be manufactured, used, and labelled, stamped or tagged in accordance with above report.

492-40-SM

APPLICANT—The Richmond Fireproof Door Company, owner.

SUBJECT—Application reopened June 15, 1943 re amendment to resolution to include approval as to additional door of Lap Type—Fyrgard C N.Y.C. Three-Hour Metal-Clad Three-Ply Metal Door, previously approved.

APPEARANCES—

For Applicant: G. S. Nobles.

ACTION OF BOARD—Resolution amended in accordance with report of Committee on Tests.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

MINUTES

THE RESOLUTION (492-40-SM)

WHEREAS, The Richmond Fireproof Door Company, owner, filed May 8, 1940, an application with the Board of Standards and Appeals for approval of the material known as the Fyrgard C N.Y.C. Three-Hour Metal-Clad Three-Ply Door; and

WHEREAS, this material was approved by the Board on October 15, 1940, on certain conditions, resolution amended on February 3, 1942 and December 22, 1942 and the applicant requested a further amendment of the resolution; and

WHEREAS, this application was reopened by vote of the Board on June 15, 1943 and referred to the Committee on Tests; and

WHEREAS, the report of the Committee on Tests, reads;

REPORT OF COMMITTEE ON TESTS

June 14, 1943.

Re: Cal. 492-40-SM

Subject: Fyrgard C N.Y.C. Three-Hour Metal-Clad Three-Ply Metal Door, approval of (additional door of the lap type).

The Richmond Fireproof Door Company, on March 18, 1943 requested that the approval granted them on October 15, 1940 as amended February 3, 1942 be reopened to include in addition to the doors and hardware as previously approved, the approval of identical doors as previously approved except that the single swinging and pairs of swinging three hour metal clad doors and hardware be arranged for mounting in a lap manner in masonry openings. The reason for the request is predicated on W.P.B. order No. L-142 which prohibits the use of channel and angle frames

except in certain limited cases and in order that doors be made available for use in opening protective assemblies requiring a three hour rating. It appears now that only doors of the lap type will be available.

Request for the approval is further predicated upon tests performed at the Underwriters' Laboratories reported in approval granted October 15, 1940, the proposed doors being identical in every respect excepting for the hardware required for making these doors lap type (see Figs. 1 and 2) herein.

The approval granted October 15, 1940 was for three ply metal clad opening protective assemblies of the sliding type for a fire-resistive rating of three hours. Based on the foregoing approval, the Board under date of February 3, 1942 approved opening protective assemblies of identical construction except that they were mounted in steel frames with doors of the swinging type. The request now is to permit opening protective assemblies of the identical construction as covered in the two previous approvals except that the hardware is of the type indicated in Fig. 1 and Fig. 2 to permit of lap type hardware which permits the lapping of the lintels and each jamb of masonry openings by a 4 in. overlap.

Examination of the method of anchorage afforded by the hinge straps and latches indicates that the doors are held as securely in place as in the case of the sliding type of doors originally tested. Steel strips with hinged pintles and latch keepers which are riveted to same and securely bolted to the wall (Fig. 2) by a bolt passing through each hinge pintle and latch keeper, the steel strip and the wall with heavy cast iron washers on the opposite side of the wall.

The Committee has considered the data submitted and has received a report of the Underwriters' Laboratories (File R-224) as revised May 27, 1943 approving the proposed lap type door for the protection of openings in Class A, B, C, D and E location when mounted singly not exceeding 6 ft. in width and 12 ft. in height for openings not exceeding 10 ft. in width and 10 ft. in height when mounted in pairs.

RECOMMENDATION

The Committee on Tests has reviewed all the previous approvals hereinbefore referred to and the Underwriters' approval of the proposed lap type construction and based on such data, the Committee recommends that Fyrgard C N.Y.C. three hour metal clad, three ply metal door when constructed as approved on October 15, 1940 as amended February 3, 1942, be approved for use with swinging hinges and arranged to lap the lintel and jambs of masonry openings by 4 in., for use singly or in pairs (Figs. 1 and 2), the former not to exceed 6 ft. in width and 12 ft. in height and the latter not to exceed an opening of 10 ft. by 10 ft. when manufactured of details as provided for in the approval granted October 15, 1940 except with hardware of the lap type as shown and provided that an astragal shall be furnished for each door of a pair of swinging doors where mounted in pairs, such astragals to be a steel strap not less than 3/16 in. thick and 3 in. wide extending the full height of the door. Each astragal is to be fastened to the door when installed by not less than 1/4 in. carriage or stove bolts not exceeding 12 in. centers, the top bolts to be not over 6 in. from the end of the astragal and the bottom bolts not over 3 in. The bolts shall pass through the astragal and be secured by nuts on the opposite side of the door. Washers shall be used under the nuts. Bolt holes in astragal and doors shall be so located that the astragal will extend at least one in. beyond the edge of the door to which it is attached. Each door section shall be furnished with hinges 2 1/4 in. wide and 3/8 in. thick. Length not less than 3/4 of the width of door section for the middle hinges and 7/8 for the top and bottom hinges. Attached to the door with

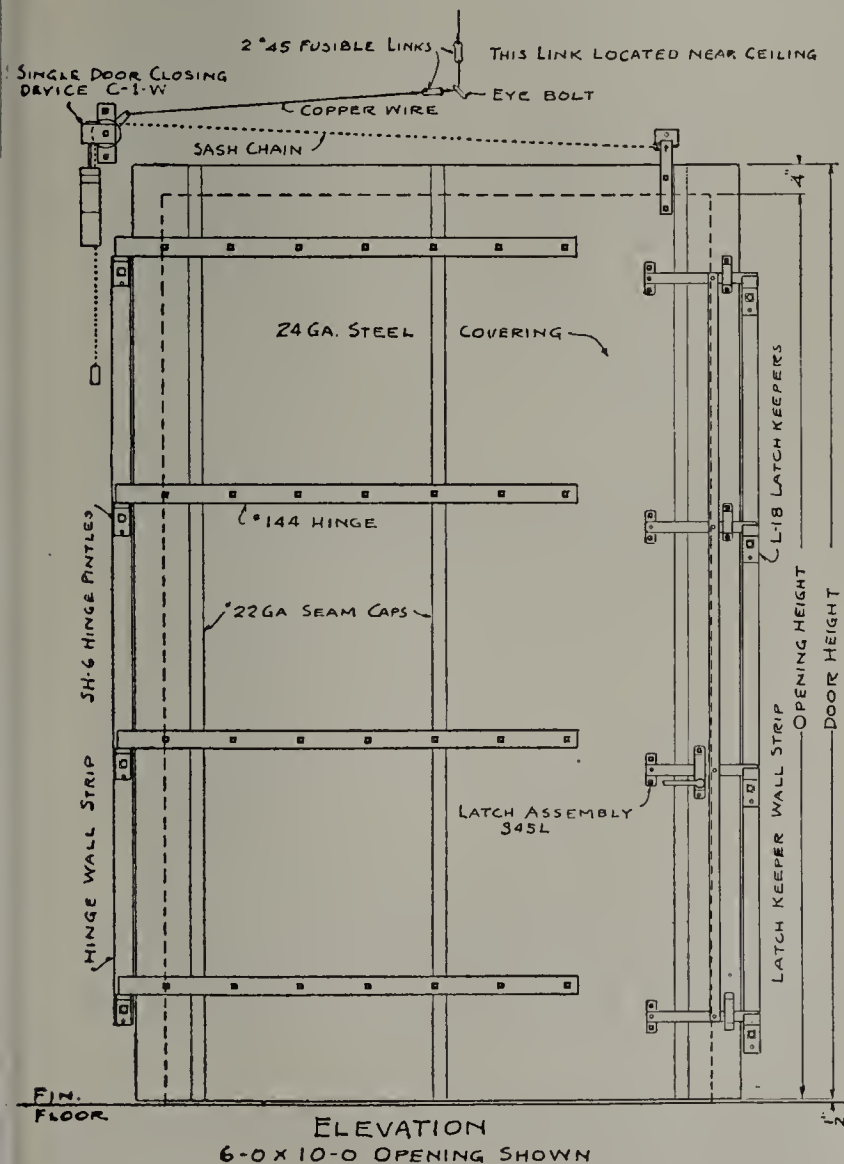


Fig. 1.

MINUTES

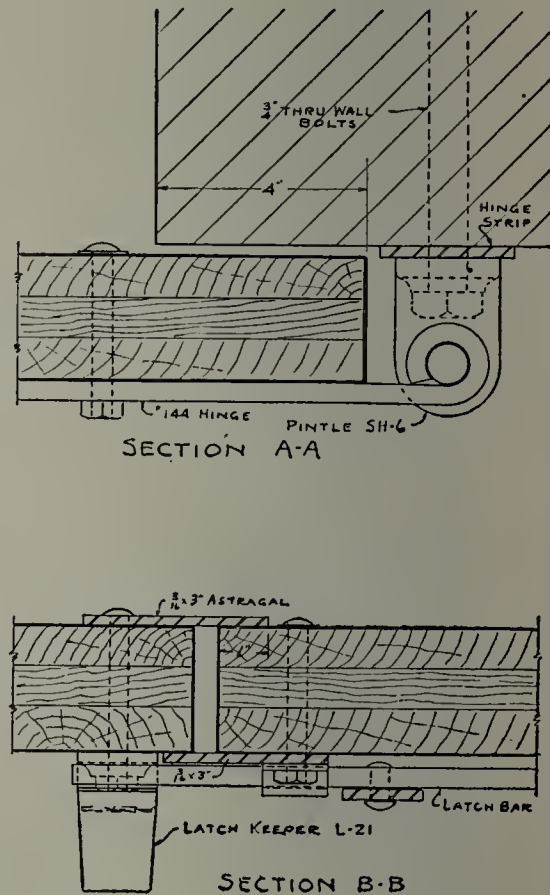
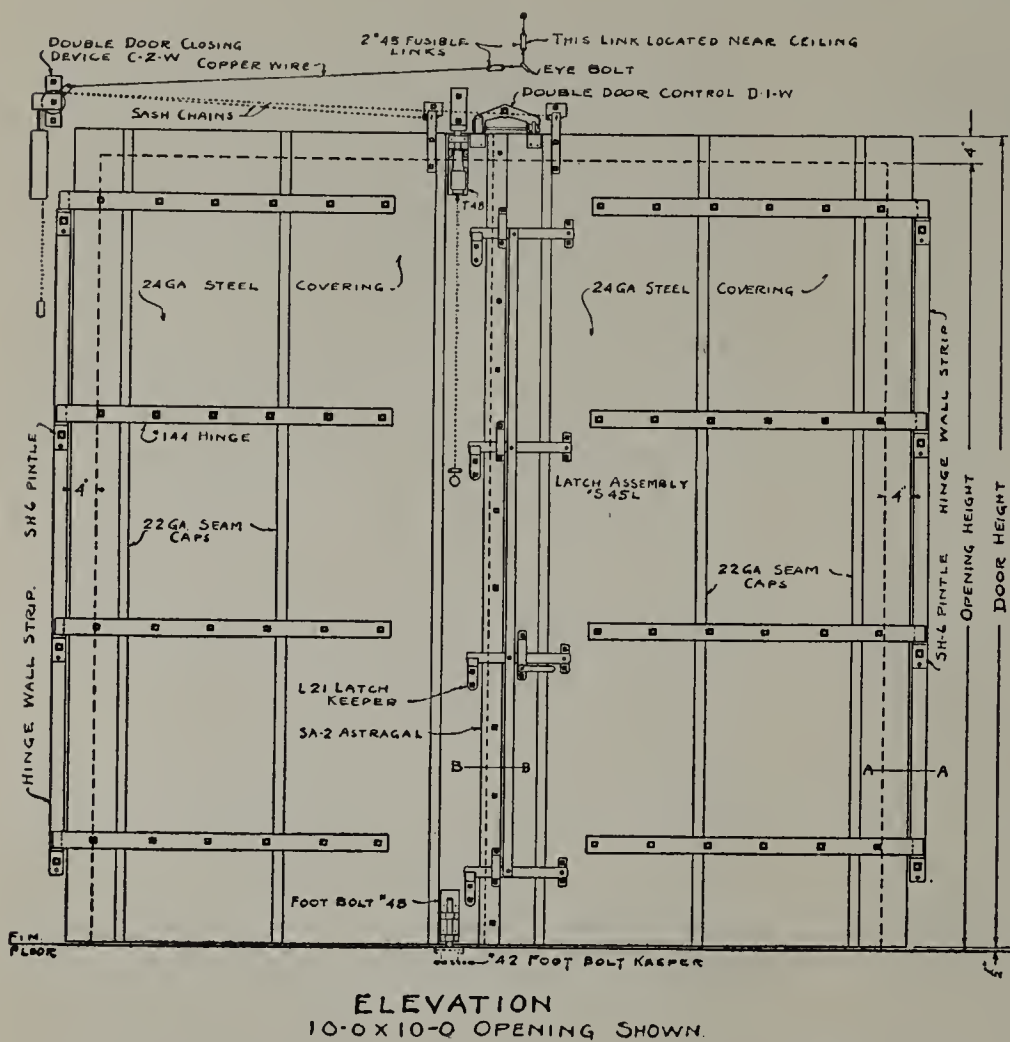


Fig. 2.

not less than five 3/8 in. through bolts, or more if required. The number of hinges each door section shall be as shown in schedule below. The active door of pairs shall be provided with latch bars as shown, number of bars to be used on door section will be per schedule shown below and engaging in catches. Similar latch bars and catches shall be provided with doors when used alone. The lock or center edge to be provided with astragal herein specified and the inactive one to be provided with 2 bolts extending into the head and sill of the opening.

SCHEDULE OF HINGES & LATCHES

Height of Door	No. of Latches	Width of Door and Number of Hinges					
		0' 2'-0"	2'-0" 3'-0"	3'-0" 4'-0"	4'-0" 5'-0"	5'-0" 6'-0"	
0' to 5'-0"	3	2	2	2	2	2	
5'-0" to 6'-6"	3	2	2	2	3	3	
6'-6" to 8'-6"	3	3	3	3	4	4	
8'-6" to 10'-6"	4	3	3	4	4	4	
10'-6" to 12'-0"	5	4	4	4	4	4	

The top edge of each door shall be lapped on both faces and the top with a continuous piece of 1/16 in. asbestos with a similar piece of asbestos along the vertical edges of the hinge and lock edge.

Each single swinging door shall be equipped with an automatic closing device consisting of a bracket bolted to the head of the opening frame, housing a sheave and trip lever, sash chain and drop weight, awning pulley and brackets with two fusible links with copper wire extending to trip level. The automatic closing device for a pair of doors is the same as for the foregoing except that the bracket houses two sheaves and trip lever. The drop weight is rectangular with holes for 2 sash chains. A chain with bob weight is attached to each door of the pair releasing a drop weight closing either

or both pairs. In order to prevent active door closing first, a double door control is proposed which is attached to the frame head at center of opening. To prevent active door closing first, a double door control is attached to wall over at center of opening. It consists of a base casting, bolted to wall, and two pivoted arms extending therefrom. The long straight arm with a roller at outer end serves to stop active door. The short arm is curved and is rigidly connected to long arm. As standing door closes, it raises both arms, permitting active door to close. 14Ga bumper shoes are attached to door to prevent damage to door covering. It is further recommended that in all other respects, the construction, inspection and labelling be in accordance with the approval granted under date of October 15, 1940.

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of the amendment as contained in the above report.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of October 15, 1940, as amended on February 2, 1942 and December 22, 1942, in accordance with above report.

Meeting recessed at 4:45 P.M., to Wednesday, June 30, 1943 at 10:00 A.M. Reconvened at 10:00 A.M. and adjourned at 11:30 A.M.

JOSEPH J. DOYLE, Chief Clerk.

BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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No. 28

DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1000 to 1018.

TELEPHONE—WOrth 2-5600.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.
Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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Rules Directory.

The Hearing Calendar.

Minutes of Special Meeting July 9, 1943, at 10 A.M.,
Affecting Calendar Number 248-43-A.

Correction Affecting Calendar Numbers 752-29-BZ, 198-
41-A, 545-42-BZ and 866-42-A.

Paint, Varnish and Lacquer Spraying Rules.

Oil Burner Rules.

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building,
Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET

New Cases Filed up to July 6, 1943

Cal. No. Dept. Premises Affected

330-43-A—H.B.B.—126 35th street and 931-939 Third avenue, southeast corner (Block 692, Lot 12), Borough of Brooklyn, Alt. 1747-43.

331-43-A—H.B.Q.—30-89 32nd street, east side, 125 ft. north of 31st avenue (Block 616, Lot 2), Long Island City, Borough of Queens, Alt. 791-43.

332-43-A—H.B.Q.—77-52 74th street, west side, 89 ft. north of 78th avenue (Block 3811, Lot 29), Glendale, Borough of Queens, Alt. 823-43.

333-43-A—H.B.Q.—137-52 to 137-70 Queens boulevard, and west side of 85th avenue, between Van Wyck and Queens boulevards (Block 9650, Lot 31), Jamaica, Borough of Queens (under section 35, General City Law re bed of mapped street—Main street), Misc. 5825-42.

334-43-S—H.B.Q.—123-03 Liberty avenue, north side, 25.16 ft. east of 123rd street (2nd floor); (Block 9560, Lot 35), Richmond Hill, Borough of Queens, Alt. 516-43.

335-43-A—H.B.Q.—123-03 Liberty avenue, north side, 25.16 ft. east of 123rd street (2nd floor); (Block 9560, Lot 35), Richmond Hill, Borough of Queens, Alt. 516-43.

336-43-A—F.D.—Re: Packaging of combustible mixture known as "Renuzit" in one-gallon glass jugs (capacity of glass jugs not in conformity with Administrative Code Specifications), Decision.

337-43-SM—Hollywood Paper Box Division of The Flintkote Co., Cardboard Container for Motion Picture Film, manufactured by Hollywood Paper Box Division of The Flintkote Co., Material.

338-43-SM—N. Y. C. 3 Hour Test Underwriters Labelled Class A, Fire Door, Model "Sentinel," manufactured by Williamsburg Fireproof Products Corp., Material.

339-43-S—F.D.—476 Broadway, east side, 120 ft. south of Broome street and 38 Crosby street (7th and 8th floors); (Block 473, Lot 8), Borough of Manhattan, Decision.

340-43-SM—Concrete Plank Co., Inc., Precast Concrete Slab, size 1 in. x 1 ft. 4 in. x 4 ft., manufactured by Concrete Plank Co., Inc., Material.

341-43-BZ—H.B.B.—3319-3335 Atlantic avenue and 283-295 Euclid avenue, northeast corner (Block 4145, Lot 1), Borough of Brooklyn, Alt. 532-43.

342-43-S—H.B.M.—135-137 Cedar street, north side, 82 ft. 9¾ in. west of Greenwich street (Block 54, Lot 13), Borough of Manhattan, Alt. 554-43.

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

RULES

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Carbon Dioxide Liquefier, Rules	June 22, 1943—Vol. 28, No. 25
Certificates of Occupancy, approved form	Nov. 25, 1941—Vol. 26, No. 47
Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Masonry Units, Rules for Manufacture, Testing and Use of	June 24, 1941—Vol. 26, No. 25
Concrete Rules (Hydrated Lime)	Aug. 3, 1937—Vol. 22, No. 31
Elevator Rules	Mar. 3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors)	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules	Feb. 2, 1943—Vol. 28, No. 5
Fire Alarm Rules (Interior)	June 8, 1943—Vol. 28, No. 23
Fire Drill Rules	May 25, 1943—Vol. 28, No. 21
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Tank Trucks, Gasoline, etc.	Nov. 24, 1936—Vol. 21, No. 47
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Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

JULY 13, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 13, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

97-43-BZ—Application, March 5, 1943, under section 7c of the zoning resolution, of George H. Cohn, applicant, on behalf of Crew Levick Corporation, owner (Morris Smith, lessee), to permit partly in a business use and partly in a residence use district, the extension of an existing gasoline service station and also the inclusion of the use of parking and storage of more than five motor vehicles; premises 1775-1785 59th street and 5814-5824 18th avenue, northwest corner (Block 5504, Lots 43 and 45), Borough of Brooklyn.

10-43-BZ—Application, January 5, 1943, under section 7h of the zoning resolution, of William A. Eckert, applicant, on behalf of Estate of Annie Gibney, owner (Title Guarantee and Trust Company, Administrator); (Maple Grove Parking Co., Inc., lessee), to permit partly in a business use and partly in a residence use district, for a term of two years, the parking and storage of more than five motor vehicles; premises 137-52 to 137-70 Queens

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boulevard and the west side of 85th avenue, between Queens boulevard and 137th street (Block 9650, Lot 31), Jamaica, Borough of Queens.

1481-22-BZ—Application of A.S.G. Construction Corporation, applicant and owner, reopened June 8, 1943, under section 21 of the zoning resolution, to permit in a residence use district, for an additional term of five years, the continuance of the maintenance of a restaurant on the first story of an existing building (previously granted by the Board for a term of five years); premises 8502-8518 Fourth avenue, southwest corner of 85th street (Block 6034, Lot 41), Borough of Brooklyn.

227-43-BZ—Application, May 14, 1943, under sections 7a, 7c and 21 of the zoning resolution, of Jeffroy J. Lewin, applicant, on behalf of Long Island City Savings Bank, owner, to permit in a residence use district, the conversion of occupancy of an existing building occupied as a garage for more than five motor vehicles to a factory for the manufacture and distribution of linen supplies; premises 31-35 41st street, east side, 350 ft. south of 31st avenue (Block 679, Lot 27), Astoria, Borough of Queens.

91-43-BZ—Application, March 3, 1943, under section 7e of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Cono Innamorato, owner, to permit in a business use district, for a term of two years, the conversion of occupancy of an existing building to a junk shop; premises 279 (287 displayed) Frost street, north side, 190 ft. west of Debevoise street (Block 2858, parts of Lots 29 and 33), Borough of Brooklyn.

6-36-BZ—Application of Samuel Gardstein, applicant, on behalf of Utico, Incorporated, owner, reopened May 18, 1943, under sections 7c and 21 of the zoning resolution, to permit in a business use district, the extension in area and conversion of occupancy of a building previously granted by the Board as a motor vehicle repair shop, limited exclusively to automobile spring work, so as to include an iron works (open hearth forge work for marine work for the U. S. Navy); the proposed one-story extension, 30 ft. by 60 ft. in area, is to be located upon the plot on which there now exists a gasoline service station—which also was previously granted by the Board; premises 5001-5011 Farragut road and 1429-1435 (1431 displayed) Utica avenue, northeast corner (Block 4785, Lot 46), Borough of Brooklyn.

280-43-BZ—Application, June 8, 1943, under sections 7b and 7c of the zoning resolution, of Koch and Wagner, applicants, on behalf of Bohack Realty Corporation, owner, to permit the extension from a business use district into a residence use district, of a proposed one-story addition to an existing business building (stores); premises 81-25 to 81-31 Lefferts avenue (boulevard), east side, 100.38 ft. north of Cuthbert (place) road (Block 3338, Lot 6), Kew Gardens, Borough of Queens.

490-37-BZ—Application of Bernhard Erk, applicant, on behalf of Estate of J. Romaine Brown, owner, reopened June 22, 1943, for consideration as to extension of permit—Application, previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a temporary term of two years, the storage and parking of more than five motor vehicles; premises 246 Nagle avenue, southwest corner of West 204th street (Block 2218, Lot 25), Borough of Manhattan.

Appeal from Administrative Decision.

333-43-A—137-52 to 137-70 Queens boulevard and the west side of Queens boulevard, between Queens boulevard and Van Wyck boulevard (137th street); (Block 9650, Lot 31), Jamaica, Borough of Queens (under section 35, General City Law—re bed of mapped street—Main street).

HARRIS H. MURDOCK, *Chairman.*

JULY 13, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing. Tuesday afternoon, July 13, 1943, at 2 o'clock in Room 1013, Municipal Building Manhattan, on the following matters:

Appeals from Administrative Decisions.

125-43-A—323-335 East 44th street, north side and 322-334 East 45th street, south side, 175 ft. west of First avenue (Block 1337, Lot 4), Borough of Manhattan.

225-43-A—89-107 Gold street, southeast corner of Front street (5th floor); (Block 56, Lot 3), Borough of Brooklyn.

230-43-A—42-60 Stewart avenue, east side, from Harrison place to Ingraham street (Block 3001, Lot 1), Borough of Brooklyn.

214-43-A—137-139 East 25th street, north side, 79.10 ft. east of Lexington avenue and 138 East 26th street (3rd floor); (Block 881, Lot 29), Borough of Manhattan.

229-43-A—47-02 31st place, southwest corner of 47th avenue (Block 281, Lot 1), Long Island City, Borough of Queens.

202-43-S—47-02 31st place, west side, between 47th avenue and 48th avenue (Block 281, Lot 1), Long Island City, Borough of Queens.

272-43-A—78-08 Cooper avenue, south side, 848 ft. west of Dry Harbor road (Block 3803, Lot 14), Glendale, Borough of Queens.

186-43-A—154 Pilot street, north and south sides, between City Island avenue and Long Island Sound (Block 5640, Lot 18 and Block 5641, Lot 90), Borough of The Bronx.

257-43-A—568 Wales avenue, southeast corner of East 150th street (Block 2653, part of Lot 9), Borough of The Bronx.

256-43-A—40-33 23rd street, east side, 100 ft. north of 41st avenue (Block 408, Lot 9), Long Island City, Borough of Queens.

259-43-A—22-48 Steinway street, west side, 372.91 ft. north of 23rd avenue (Block 805, Lot 9), Long Island City, Borough of Queens.

267-43-A—Re packaging of combustible mixture, known as "Neptune Waterproof Belt Cement," in one-quart and one-pint glass bottles (capacity of glass bottles not in conformity with Administrative Code Specifications).

185-43-A—330 Greenwich street, west side, 25 ft. south of Jay street (Block 142, Lot 16), Borough of Manhattan.

476-42-A—2553-2563 Atlantic avenue and 30-48 Alabama avenue, northwest corner (Block 3666, Lot 31), Borough of Brooklyn.

559-42-A—409 East 47th street, north side, 150 ft. east of First avenue (Block 1359, Lot 9), Borough of Manhattan.

262-43-A—595 Flushing avenue, north side, 165 ft. 4 in. west of Marcy avenue (Block 2264, Lot 46), Borough of Brooklyn.

285-43-A—Packaging of inflammable mixture, known as "Multi Dry Cleaner," in 2 oz., 6 oz. and 12 oz. glass bottles (glass bottles not in conformity with Administrative Code Specifications).

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318-43-S—416-422 West 45th street, south side, 225 ft. west of Ninth avenue (3rd floor); (Block 1054, Lot 42), Borough of Manhattan.

319-43-S—515-521 Greenwich street and 309-317 Spring street, northeast corner (2nd and 5th floors); (Block 597, Lot 1), Borough of Manhattan.

320-43-S—304-322 Hudson street, east side, from Spring to Van Dam streets, 279-291 Spring street and 62-74 Van Dam street (2nd floor); (Block 579, Lot 47), Borough of Manhattan.

323-43-S—80-06 47th avenue, south side, 433 ft. west of 82nd street (Block 1536, Lots 53, 55 and 58), Elmhurst, Borough of Queens.

113-43-S—22-33 to 22-59 38th street, east side, 166.75 ft. north of 23rd avenue (Block 805, Lot 9), Long Island City, Borough of Queens.

240-43-A—30 Little Clove road, south side, 240 ft. west of Clove road (Block 836-A, Lot 1), West Brighton, Borough of Richmond.

96-43-S—29 Meserole avenue and 238-256 Banker street, northwest corner (Block 2592, Lot 30, Borough of Brooklyn.

135-43-A—190 Banker street, west side, 450 ft. south of Meserole avenue (Block 2615, Lot 25), Borough of Brooklyn.

5-43-A—444 West 259th street, south side, 160 ft. east of Riverdale avenue (Blocks 3423-A and 3423-B, parts of Lot 140), Borough of The Bronx (under section 35, General City Law—re bed of mapped street—Delafield avenue).

800-42-A—4762-4764 Third avenue, east side, 105 ft. north of East 189th street (Block 3033, Lot 58), Borough of The Bronx.

508-41-A—63-65 East 104th street, north side, 245 ft. east of Madison avenue (Block 1610, Lot 31), Borough of Manhattan.

270-43-A—351-353 West 14th street, north side, 66 ft. east of Ninth avenue and 362-364 West 15th street (Block 738, Lot 8), Borough of Manhattan.

851-42-A—1419-1427 Sheepshead Bay road and 2600-2616 East 15th street, northwest corner (Block 7459, Lot 7), Borough of Brooklyn.

1284-39-A—103-27 Lefferts boulevard, east side, 260 ft. south of 103rd avenue (Block 9557, Lot 55), Morris Park, Borough of Queens (reopened May 18, 1943).

265-43-A—148-18 89th avenue, south side, 160 ft. east of 148th street (Block 9681, Lot 58), Jamaica, Borough of Queens.

277-43-A—45-72 Kissena boulevard, west side, 25 ft. south of Holly avenue (Block 5148, Lot 35), Flushing, Borough of Queens.

286-43-A—171-43 107th avenue, north side, 20 ft. west of 172nd street (Block 10241, Lot 56), Jamaica, Borough of Queens.

321-43-S—42-25 Ninth street, east side, 190 ft. north of 43rd avenue (Block 461, Lot 13), Long Island City, Borough of Queens.

352-43-S—42-25 Ninth street, east side, 190 ft. north of 43rd avenue (Block 461, Lot 13), Long Island City, Borough of Queens.

342-43-S—135-137 Cedar street, north side, 82 ft. 9¾ in. west of Greenwich street (Block 54, Lot 13), Borough of Manhattan.

344-43-A—165 West 10th street, north side, 31 ft. ⅝ in. east of Seventh avenue (Block 611, Lot 33), Borough of Manhattan.

312-43-A—215-221 East 54th street, north side, 185 ft. 10 in. east of Third avenue (Block 1328, Lot 9), Borough of Manhattan.

306-38-A—1602 Avenue J, southeast corner of East 16th street (Block 6718, Lot 1), Borough of Brooklyn (reopened June 22, 1943).

778-39-A—130-142 Green street, south side, 263 ft. 7½ in. west of Manhattan avenue and 135-137 Huron street (Block 2522, Lots 24 and 59), Borough of Brooklyn.

Appliance and Material for Approval.

313-41-SA—Spacarb Automatic Carbonated Beverage Dispenser (reopened June 15, 1943 re amendment to resolution re additional Models VACGP 42, VACGP 42T, VACGP 42W, VACGP 42SD and VACGP 42TSD).

179-43-SM—Protectowire (Heat Sensitive Cable).

HARRIS H. MURDOCK, *Chairman.*

JULY 20, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 20, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

836-42-BZ—Application of Harry Yahr, applicant and lessee, on behalf of The Gerry Estates, Inc., owner, reopened May 4, 1943, under section 7h of the zoning resolution, to permit in a retail-1 use district, for a term of two years, the parking and storage of more than five motor vehicles (previously denied); premises 108-112 West 41st street, south side, 125 ft. west of Sixth avenue (Block 993, Lot 38), Borough of Manhattan.

31-43-BZ—Application, January 19, 1943, under section 7c of the zoning resolution, of William V. McDevit, applicant, on behalf of Socony-Vacuum Oil Company, Incorporated, owner, to permit in a business use district, the alteration and extension of an existing gasoline service station, to be used as gasoline service station, office, lubritorium and auto laundry; premises 76-88 Grand street extension and 277-283 South 3rd street, southeast corner (Block 2422, Lots 34 and 35), Borough of Brooklyn.

86-43-BZ—Application, February 26, 1943, under section 7h of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Genevieve Marchione, owner, to permit in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises 575-587 East New York avenue, north side, 134 ft. 6 in. west of Kingston avenue (Block 1332, Lots 51 and 54), Borough of Brooklyn.

544-37-BZ—Application of Michael Janicki, applicant and owner, reopened January 26, 1943, under sections 7h and 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the maintenance of an existing garage for five motor vehicles; the parking and storage of more than five motor vehicles for a term of two years and, also, a lumber yard for a term of two years; premises 28-08 25th

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(Hoyt) avenue, 28-29 Astoria boulevard and west side of 29th street, from 25th avenue to Astoria boulevard (Block 839, Lot 1), Astoria, Borough of Queens.

233-43-BZ—Application, May 17, 1943, under section 21 of the zoning resolution, of Richard A. Kimball, applicant, on behalf of Norman Woolworth, owner, to permit in a residence use and also B area district, the maintenance of a one-story extension which is located in the required rear yard; premises 2-6 East 63rd street, south side, 100 ft. east of Fifth avenue (Block 1377, Lot 66), Borough of Manhattan.

6-43-BZ—Application, January 5, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Minnie Hinderstein, owner, to permit partly in a business use and partly in a residence use district, the parking and storage of more than five motor vehicles; to be operated in conjunction with a gasoline service station upon the same plot; premises 4517-4525 18th avenue, south side, 282 ft. 10½ in. east of 47th street (Block 5439, Lot 23), Borough of Brooklyn.

273-43-BZ—Application, June 4, 1943, under sections 7c and 21 of the zoning resolution, of Lama and Proskauer, applicants, on behalf of East New York Savings Bank, owner, to permit in a residence use district, the conversion of occupancy of a building from marble works to factory (light manufacturing and not contrary to Section 4(a) of the Zoning Resolution); premises 965-967 Hopkinson avenue, east side, 260 ft. south of Lott avenue and 576-578 Bristol street (Block 3623, Lot 19), Borough of Brooklyn.

81-43-BZ—Application, February 24, 1943, under section 7c of the zoning resolution, of Raymond Irrera, applicant, on behalf of Bernhard Burger, owner, to permit in a residence use district, the extension, in area, of an existing factory building; premises 111-59 158th street, east side, 26.29 ft. south of 112th road (Block 12176, Lot 12), Jamaica, Borough of Queens.

Appeal from Administrative Decision.

250-43-A—1600 Stillwell avenue and 1600 McDonald street, southeast corner (Block 4223, Lot 1), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

JULY 20, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon, July 20, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

284-43-S—699-701 East 135th street, north side, 200 ft. east of Southern boulevard (Block 2564, Lot 67), Borough of The Bronx.

294-43-A—33-55 to 33-81 12th street, 12-01 to 12-19 34th avenue, northeast corner and 33-52 to 33-80 13th street (Block 522, Lot 1), Long Island City, Borough of Queens.

238-43-A—136 Coleridge street, west side, 260 ft. south of Hampton avenue (Block 7516, Lot 1000), Borough of Brooklyn.

850-42-A—71 Grape street, south side, 67 ft. west of Tangerine street (Block 4321, Lot 255), South Jamaica, Borough of Queens (under section 36, General City Law—re building does not face on a legal street—Grape street, also under Section 35, General City Law—re bed of mapped street—Farmers boulevard).

293-43-A—121-151 Flatbush avenue, east side, from Hanson place to Atlantic avenue and 2-27 Hanson place (Block 2001, Lot 1), Borough of Brooklyn.

325-43-S—513-517 Madison avenue and 35-41 East 53rd street, northeast corner (Block 1289, Lot 21), Borough of Manhattan.

298-43-S—2084 Boston road and 2061 Bronx street, west side, 142.23 ft. north of East 179th street (Block 3140, Lot 7), Borough of The Bronx.

302-43-A—48-20 30th street, northeast corner of Hunterspoint avenue (Block 115, Lot 201), Long Island City, Borough of Queens.

78-43-A—300 Pacific street, south side, 250 ft. east of Smith street (Block 188, Lot 20), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

JULY 27, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning, July 27, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Zoning Applications.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Borough of Brooklyn.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

129-43-BZ—Application, March 25, 1943, under section 21 of the zoning resolution, of Jack Z. Cohen, applicant, on behalf of Robert B. Allport, owner, to permit in a residence use district, the erection and maintenance of a building for use as an office and storage and sale of used and new building materials, including structural iron and steel; premises 327-349 Withers street and 62-68 Debevoise avenue, northeast corner (Block 2868, Lot 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

JULY 27, 1943, 2 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon, July 27, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Appeal from Administrative Decision.

873-42-A—240 Kent avenue, southeast corner of North 1st street (Block 2377, Lot 11), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

SEPTEMBER 14, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, September 14, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Appeal from Administrative Decision

746-42-A—241 West 72nd street, north side, 280 ft. 5½ in. west of Broadway (Block 1164, Lot 15), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman*.

SEPTEMBER 21, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, September 21, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Appeal from Administrative Decision

191-43-A—15 West 77th street and Central Park West at 79th street (Block 1130, Lot 1), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman*.

MINUTES

BOARD OF STANDARDS AND APPEALS

SPECIAL MEETING

FRIDAY MORNING, JULY 9, 1943.

Present: Chairman Murdock and Commissioners Savage and Blum.

APPEAL FROM ADMINISTRATIVE DIVISION

248-43-A

APPLICANT—Lama and Proskauer, for Erasmus Hall Athletic Field Association, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1407-1463 McDonald avenue, east side, 60 ft. south of Avenue L (Block 6537, Lots 1, 7, 11 and 12), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama, Louis J. Russo, B. F. Lathan and Robert Lafferrander.

For Opposition: Joseph B. Cavallaro and Elizabeth G. Peterson.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock and Commissioners Savage and Blum.....	3
Absent: Deputy Chief Gunn.....	1

THE RESOLUTION (248-43-A)

WHEREAS, Lama and Proskauer, for Erasmus Hall Athletic Field Association, Inc., owner, filed May 25, 1943 an appeal from a decision of the borough superintendent, affecting premises 1407-1463 McDonald avenue, east side, 60 ft. south of Avenue L (Block 6537, Lots 1, 7, 11 and 12), Borough of Brooklyn; and

WHEREAS, the amended decision of the borough superintendent dated July 9, 1943, as to Alt. Applic. 1397-43, reads:

"1. Athletic field and grand stand partly in a residential use district and partly in a business use district is contrary to Art. II, Sec. 3 of the Zoning Resolution."

and

WHEREAS, the applicant states that the premises consist of a plot 460 ft. by 229 ft. 4¾ in. irregular in area, located in a business and residence use district and used since 1925, as an athletic field; and

WHEREAS, Violation 399-40 was issued for violation of Section 3 of Art. II of the Zoning Resolution, for occupying

premises in a residence district for a commercial enterprise, such as professional football and soccer games and violation of Art. 5 of Section 22 of the zoning resolution, in that the premises were so used without a Certificate of Occupancy; and

WHEREAS, the applicant contends that this is an appeal for interpretation of the zoning resolution with reference to the operation of the premises; that the premises in question have been used as an athletic field since 1927; that the grandstands for the field were built under Application 14279; that these plans were approved by the Bureau of Buildings on August 16, 1927; that a temporary certificate of occupancy was accordingly issued, which in effect approved the use of the premises as an athletic field; that this certificate of occupancy was issued subject to revocation upon complaint of adjoining property owners, or upon discretion of the Building Department; that accordingly, the owners commenced use of premises as an athletic field during the month of September, 1927, and so continued to use same up to the present time; in view of the fact the premises have been operated by a membership organization, and that its fees collected are merely to help defray running expenses of the organization, it is respectfully requested that a permanent certificate of occupancy be issued, for the continued use of premises as an athletic field; and

WHEREAS, the correct area of the premises appears to be approximately 514 feet along McDonald avenue, 125 feet parallel to Avenue L and five feet south thereof, and part of the bed of East 2nd street and with frontage along the opened portion of East 2nd street of approximately 51 feet on the east side and approximately 75 feet on the west side, comprising Block 6537, Lots 12, 65 and 29 and part of Lots 1 and 8, and Block 6538, Lots 69 and 72; and

WHEREAS, it appears that the premises have been used in whole or in part since 1922 as an athletic field, including a grand stand erected in 1927 primarily for athletic events of students of the Erasmus Hall High School, but since 1927 and up to the present time has also been leased out to others for use on certain days of the week for commercial athletic games and contests; and

WHEREAS, the Board found that the existing certificate of occupancy 55962, issued May 6, 1929 for the grand stand, was improper, and that, in the opinion of the Board, the present use as proposed is not a permissible use in a residence district.

Resolved, that the decision of the borough superintendent, in acting on Alt. Applic. 1397-43, objection 1, be and it hereby is affirmed and that the appeal be and it hereby is denied.

Adjourned: 11:25 A.M.

JOSEPH J. DOYLE, Chief Clerk.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held on June 15, 1943, as they appeared in Bulletin No. 25, Vol. 28, are hereby corrected to read as follows:

752-29-BZ

APPLICANT—Israel S. Schwartz, for Robertson Trowbridge, owner.

SUBJECT—Application for consideration—reopening and extension of term of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting partly in a business use and partly in an unrestricted use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—8801-8809 Fourth avenue and 402-412 88th street, southeast corner (Block 6065, Lots 6, 9 and 11), Borough of Brooklyn.

APPEARANCES—

For Applicant: Israel S. Schwartz.

For Opposition: Charles S. Vaccaro and Andrew Nicola.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit and time extended.

THE VOTE TO REOPEN AND EXTEND PERMIT AND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (752-29-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting partly in a business use and partly in an unrestricted use district, for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 8801-8809 Fourth avenue and 402-412 88th street, southeast corner (Block 6065, Lots 6, 9 and 11), Borough of Brooklyn, was granted by the Board on May 6, 1941, on certain conditions, resolution amended on January 27, 1942 and the applicant requested an extension of the permit and time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted May 6, 1941, as modified by resolution adopted by the Board January 27, 1942, only so far as it has reference to the term of the permit and time to obtain permits and complete the work, so that as amended, this portion of the resolution shall read:

"granted under section 7h for a term of six (6) months from the date of this amended resolution, to permit the premises to be occupied for the storage and parking of more than five (5) motor vehicles; and that all permits required shall be obtained and all work completed within two (2) months from the date of this amended resolution."

*Name of applicant and owner changed to read as printed in lines 1 and 2.

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held on April 15, 1941, as they appeared in Bulletin No. 16, Vol. 26, are hereby corrected to read as follows:

THE RESOLUTION (198-41-A)

WHEREAS, Remington Rand, Inc., for Manhattanville College of the Sacred Heart, owner, filed March 10, 1941,

an appeal from a decision of the borough superintendent; premises West side of St. Nicholas terrace, 105 ft. north of West 130th street, West 130th street to West 135th street (Block No. 1957, Lot No. 7), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent on amendment to N. B. Application No. 172-40, dated February 19, 1941, reads:

"18. Floor construction and support for same should be constructed of materials required for Fire Proof Building, 3.2.1 Building Code, Class 1 Fireproof Buildings."

and

WHEREAS, the proposed building is two stories (35 ft.) in height; 173 ft. 10 in. by 114 ft. in area; of Class 1 construction; located in a residence use B area district; to be occupied for book storage and brief reference (library) as follows: first tier, 22 persons; second tier, 20 persons; third tier, 18 persons; fourth tier, 15 persons; and

WHEREAS, the applicant contends that the equipment proposed consists of four tiers of standard multi-story steel bookstacks and three 3½ in. concrete slab stack decks enclosed in fireproof walls; that the area in which the book stack room is located is served by two stairways at opposite ends of each level; that the stack room has been specially designed to accommodate the stack which will require a clearance of 29 ft. 10 in. composed of four tiers, respectively, 7 ft. 6 in., 7 ft. 6 in., 7 ft. 6 in. and 7 ft. 4 in. in height; that between levels a continuous reinforced concrete slab will be poured; that columns supporting stack and stack decks will be No. 16 gauge, of wing tubular shape, these columns occur on 3 ft. centers in one direction and 5 ft. 4 in. centers in the other direction; that the proposed equipment is intended for the storage of books which are normally read in another part of the building; that provision is made, however, for brief reference in the carrels on each level; that the proposed construction is in accordance with standard practice and is consistent with installations recently completed in New York City; that this same type of column support has been used for years throughout the country.

Resolved, that the decision of the borough superintendent on amendment to N. B. Application No. 172-40, Objection No. 18, be and it hereby is modified and that the appeal be and it hereby is granted on condition that the construction of the floors shall be in accordance with the Building Code; that the proposed steel stack uprights may be used as supports therefor, on condition that such uprights figure for the load superimposed thereon based on 16,000 lbs. per sq. in.; that the steel in the uprights shall be finished with not less than two coats of baked enamel; that the room in which this stack construction is installed shall be separated from the balance of the building by walls and partitions of incombustible construction; that the floor and stack room shall be of Class 1 construction.

*Correction—The word "business" changed to "residence" in line 17 of resolution.

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held on March 9, 1943, as they appeared in Bulletin No. 11, Vol. 28, are hereby corrected to read as follows:

THE RESOLUTION (545-42-BZ)

WHEREAS, A. H. Salkowitz, for Lubritorium, Inc., owner, filed June 30, 1942, an application under section 7h of the zoning resolution, to permit in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises 77-02 Roosevelt avenue, southeast corner of 77th street (Block 1488, Lot 1), Jackson Heights, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular

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meeting March 9, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that Roosevelt avenue is in a business use district; 77th street is in a residence and business use district and 78th street is in a residence and business use district; and

WHEREAS, the decision of the borough superintendent, on Misc. Applic. 3179-42, dated June 8, 1942, reads:

"1. The use of these premises for the parking and storage of more than five motor vehicles in a business district is contrary to Art. 2, Sec. 4a, subdivision 15, of the zone resolution."

and

WHEREAS, the applicant states that the premises consist of a plot having a frontage of 90 ft. on Roosevelt avenue and 100 ft. on 77th street and that it is proposed to use the plot, for a term of two years, for the parking and storage of more than five motor vehicles; and

WHEREAS, the premises and the surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that this was a proper case in which to exercise its discretion to grant a zoning variance under section 7, subdivision h of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution and that the application be and it hereby is *granted* under section 7h thereof, for a term of two (2) years from the date of this resolution, to permit the premises to be occupied for parking and storage of more than five (5) motor vehicles, *on condition* that only motor vehicles of the pleasure-car type and those in condition for operation, shall be so stored or parked; that the plot shall be leveled substantially to the grade of Roosevelt avenue and shall be surfaced with clean gravel, steam cinders or other suitable material, properly rolled and bound; that on the street lines and interior lot lines, there shall be erected a woven wire or wood picket fence, not less than 5 feet in height with no openings therein except one to Roosevelt avenue toward the center, not more than 15 feet in width with curb cut opposite of similar width; that during the term of this variance, the premises shall be occupied for no other use and no building erected thereon, except there may be erected a building to be used as an office and shelter for the attendant, not over 150 sq. ft. in area and one story in height; that such building may be of frame; that adequate aisles shall be maintained at all times for easy entrance and egress; that such portable fire-fighting appliances shall be installed as the fire commissioner may direct; that no signs shall be erected on the premises, except there may be a sign near the entrance, attached to the fence, advertising the parking and storage use and the rates charged, provided it does not exceed 15 sq. ft. in area, is not illuminated and does not extend beyond the building line; that all permits required shall be obtained and all work completed within three (3) months from the date of this resolution.

* Correction—The measurement "100 sq. ft." changed to "150 sq. ft." in line 55 of resolution.

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held on May 11, 1943, as they appeared in Bulletin No. 20, Vol. 28, are hereby corrected to read as follows:

866-42-A

APPLICANT—Gulf Oil Corporation, owner.

SUBJECT—Appeal from decisions of the fire commissioner—Packaging of inflammable mixture known as

"Gulflex Rubberlube" in one-half gallon glass jugs (capacity of jugs not in conformity with Administrative Code specifications).

APPEARANCES—

For Applicant: T. B. Welsh.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (866-42-A)

WHEREAS, Gulf Oil Corporation, owner, filed December 14, 1942, an appeal from a decision of the fire commissioner relating to the packaging of Gulflex Rubberlube in one-half gallon glass bottles; and

WHEREAS, the decision of the fire commissioner dated September 28, 1942, reads:

"In reply to your communication of September 22, 1942, it is regretted that your request to pack 'Gulflex Rubberlube' in one-half gallon glass bottles, must be denied, as it is contrary to the provisions of the Administrative Code."

and

WHEREAS, the decision of the fire commissioner dated December 10, 1942, reads:

"In reply to your communication of December 4, 1942, it is regretted that your request to pack 'Gulflex Rubberlube' in one-half gallon glass bottles, must be denied, as it is contrary to the provisions of the Administrative Code."

and

WHEREAS, the applicant contends that it is proposed to package Gulflex Rubberlube, an inflammable mixture used for lubricating rubber shackles and bearings in automobiles, in one-half gallon glass jugs, manufactured by the Owens Illinois Glass Company to the specifications as indicated on drawing WB472, filed December 14, 1942 in connection with this appeal; and

WHEREAS, the applicant contends that the use of Gulflex Rubberlube is essential to properly service automobiles; that this product has previously been packaged in cans, but due to the scarcity of steel, the War Production Board has prohibited the further use of cans for this product; that the product will be stored only at bulk plants and terminals of the Gulf Oil Corporation, from which it will be delivered to garage and service station customers and will not be resold for home consumption; that this product is now being packaged in one-half gallon glass jugs throughout the U. S. with the exception of the City of New York; that the packaging of this product in one-half gallon glass jugs would not noticeably increase the fire hazard at garages and service stations, and it is therefore requested that the Board authorize the packaging of this product in one-half gallon glass jugs bearing labels prominently reading: "Caution—Inflammable Mixture, Do Not Use Near Fire or Flame. Certificate of Approval 1120."

Resolved, that the decision of the fire commissioner dated September 28, 1942 as repeated December 10, 1942 be and it hereby is *modified* and that the appeal be and it hereby is *granted* to permit the product known as Gulflex Rubberlube now certified by the Fire Department as an inflammable mixture under Certificate of Approval 1120, to be marketed in glass jugs as proposed with a capacity of approximately one-half gallon, *on condition* that such jugs shall bear a label as required by the Administrative Code and worded to the satisfaction of the fire commissioner; that this variance shall be for a term of six (6) months pending the filing of an application by the manufacturer for general test and approval of glass bottles and glass containers in various sizes.

* Correction—The word "Rubberlube" changed to "Rubberlube" in several lines of the resolution.

RULES

RULES GOVERNING THE USE OF EQUIPMENT FOR SPRAYING OF PAINTS, VARNISHES, LACQUERS AND OTHER FLAMMABLE SURFACE COATINGS

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS JUNE 10, 1932
AND REVISED, JULY 16, 1937, EFFECTIVE AUGUST 16, 1937.

[353-30-SR]

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, subdivisions 2 and 3 of the Charter of the City of New York, to effectuate the provisions of C19-84.0, C19-85.0 and C19-86.0 of the Administrative Code.

Rule 1. Application.

- 1.1 No person, firm or corporation shall SPRAY, DIP or IMMERSE any article or thing within the City of New York with any flammable paints, varnishes, lacquers or any other inflammable or combustible substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes except in conformance with these rules, and under a permit issued by the Fire Commissioner. Where the quantity of spraying material used in a day does not exceed two (2) quarts, the Fire Commissioner may modify or waive these rules.
- 1.2 APPLICATIONS. Application for the required permit to store and use the above-mentioned articles shall be made to the Fire Commissioner on forms prescribed by him and shall contain such information as he may require. When a spray, dipping, immersing, storage or mixing room is to be installed, plans shall be filed with the Borough Superintendent of Buildings before a permit is issued.
- 1.3 RESTRICTIONS. No spraying, dipping or immersing of any article or thing within the City of New York with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes shall be permitted in any premises or portion thereof as follows:
 - 1.3.1 Which is occupied as a Class A or B Multiple Dwelling or a dwelling for one or two families.
 - 1.3.2 Which is artificially lighted by any means other than electricity.
 - 1.3.3 Which is heated by other than the use of steam or hot water circulating systems.

Rule 2. Definitions.

- 2.1 The term "SPRAY or SPRAYING SPACE," "DIPPING SPACE or IMMERSING SPACE" when used in these rules shall mean that portion of the premises used for the actual work of spraying, dipping or immersing any article or thing with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds, commonly used for painting, varnishing, staining or similar purposes in any booth or room approved.
- 2.2 The term "CABINET BOOTH" when used in these rules shall mean a compartment with a back, top and two sides equipped with air exhaust facilities, located within a room or any portion of any premises where spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.3 The term "CANOPY BOOTH or HOOD" when used in these rules shall mean an installation consisting of a metal canopy or hood, without any side or end panels enclosing the object sprayed and an air exhaust system under which spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.4 The term "TUNNEL BOOTH" when used in these rules shall mean a compartment consisting of two sides and top, equipped with an air exhaust system in which spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.5 The term "SPRAY ROOM" when used in these rules shall mean a fully enclosed room approved for such use in which any article or thing is sprayed by any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.6 The term "DIPPING ROOM" when used in these rules shall mean a fully-enclosed room approved for such use in which any article or thing is dipped, spread or immersed in any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.7 The term "FIREPROOF or FIRE-RESISTING PARTITIONS" used in these rules shall mean the standards set in the Labor Law and the Rules of the Board of Standards and Appeals for factory buildings. All openings in this type of partition shall only be equipped with self-closing fireproof doors.

2.8 The term "STORAGE ROOM" when used in these rules shall mean a fully-enclosed room used for the storage and mixing of any inflammable paints, varnishes, lacquers or any flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes.

2.9 The term "CERTIFICATE OF FITNESS" when used in these rules shall mean the written permission granted by the Fire Commissioner to an individual to supervise and handle spraying, dipping and immersing materials and equipment, in accordance with the provisions of Section C19-14.0 of the Administrative Code and these Rules.

2.10 The term "PERMIT" when used in these rules shall mean the written permission issued to a person, firm or corporation by the Fire Commissioner, to store and use materials covered by Sections C19-12.0 and C19-84.0 of the Administrative Code and these Rules.

Rule 3. Ventilation.

- 3.1 Spraying or dipping spaces shall be ventilated when in operation so that the movement of air shall be at least one hundred (100') linear feet per minute in the breathing zone of the operator and be of sufficient capacity to prevent the accumulation of mist or vapors.

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- 3.2 Air shall be admitted to the spraying, dipping or immersing spaces in an amount equal to the capacity of the fan or fans and in such a manner as to avoid short-circuiting the path of air in the working zone of such spaces. Exhaust fans shall be kept running constantly while spraying or mixing and for a sufficient length of time thereafter to exhaust all vapors, fumes or residues of spraying materials from the spray booth or spray room.
- 3.3 EQUIPMENT. Motors shall be located outside of spraying, dipping or immersing spaces except as provided in Rule 4.

Rule 4. Specifications for Spray Booths, Spray Rooms and Dip Rooms.

- 4.1 Spray booths shall be constructed of metal or incombustible materials satisfactory to the administrative official having jurisdiction, be adequately ventilated with mechanical ventilation; if lighted to be in conformity with these rules. The necessary fire protection shall be maintained at all times.
- 4.1.1 Spray, dip and immersing rooms shall be constructed of fireproof or fire-resisting partitions with waterproof floors, adequately ventilated by mechanical means, equipped with the necessary fire protection; if lighted and heated to be in conformity with these rules. Floor drains leading to the house drainage system or the public sewer, shall not be permitted. Where more than sixty (60) gallons of material in open tanks are used, a drain to an approved tank located outside the building shall be provided.
- 4.1.2 Panels of polished wired glass or plate-glass at least one-quarter ($\frac{1}{4}$) of an inch thick, not exceeding seven hundred and twenty (720) square inches in area and not more than forty-eight (48") inches in any linear dimension may be used in the sides of a spray booth or room.
- 4.1.3 The inner sides of walls, ceilings and the floors of all spraying or dipping spaces shall have a smooth surface.
- 4.1.4 All openings in spray, dip or immersing rooms shall be protected by fireproof doors. Only windows opening to a street may be permitted or a window not on a lot line more than 20 ft. distant from windows of adjacent buildings not in same plane may be used for ventilation.
- 4.1.5 Ferrous metals used in the construction of spraying, dipping or immersing spaces shall be thoroughly painted on the inside or be galvanized.
- 4.1.6 All spraying, dipping or immersing spaces shall be so constructed that a reasonable length longer is maintained than required for the article or thing to be sprayed, dipped or immersed. Ferrous metals shall not be used for such floor surface.
- 4.1.7 At least three (3) feet of clear working space shall always be maintained for each operator spraying, dipping or immersing any article or thing.
- 4.2 SPECIFICATIONS FOR DUCTS, PIPES AND FANS.
- 4.2.1 All ducts used for ventilating spray, dip or immersing spaces shall be constructed of metal of not less than the following gauges of metal.
- Ducts twenty-four (24") inches or less in diameter No. 22 gauge.

Ducts over twenty-four (24") inches and not over thirty-six (36") inches in diameter No. 20 gauge.

Ducts exceeding thirty-six (36") inches in diameter No. 18 gauge.

- 4.2.2 Ducts shall be strongly constructed and be installed in a workmanlike manner. They shall be rigidly supported.
- 4.2.3 Ventilating ducts shall run as directly as practicable to the outer air and be protected with a hood against the weather. The exhaust terminal or hood shall also be protected with a screen of copper or bronze with a mesh not larger than one-quarter ($\frac{1}{4}$ ") inch.
- 4.2.4 Where a duct passes through a non-fireproof roof, the duct shall be protected at such point by an outer pipe or sleeve with an air space of at least one (1") inch between the sleeve and duct. The outer pipe shall be not less than two (2") inches from any woodwork and such woodwork shall be covered with metal.
- 4.2.5 Ventilating ducts shall not terminate within ten (10) feet measured horizontally of any chimney outlet, unprotected air intakes or of any door or window in an adjoining building.
- 4.2.6 If induced draft is used to create an air movement, the air shall be supplied from a point outside the spray or dip or immersing space. Fans and motor must be located outside the spray or dip space, except approved explosion-proof motor and non-ferrous blade fans.
- 4.2.7 The exhaust system from any spray, dip or immersing space shall not be connected to any other ventilating system or be discharged into a chimney or flue used for the purpose of conveying gases of combustion.
- 4.2.8 Exhaust fan blades shall be constructed of non-ferrous metal. All exhaust and ventilating fans to be permanently connected to their source of power, using metallic conduit. Rheostats in fan bases not permitted. Fan blades not coming in direct contact with spraying fumes, need not comply with this requirement.
- 4.3 Storage rooms shall be constructed of fireproof or fire-resisting partitions with waterproof floors and be adequately ventilated by either natural or mechanical means.
- 4.4 No motors, switches, rheostats, lamps or other electrical equipment shall be located in spray, dipping or immersing rooms or within ten (10') feet of any spray compartment, spray booth, immersing or dipping space unless such electrical equipment be of a type approved for use in explosive atmospheres and where a conduit leads from a hazardous location to a non-hazardous location, the conduit shall be sealed off by an approved sealing compound. Except that alternating current induction motors of the totally enclosed type, having no brushes, make and break contacts, collectors or other arcing or sparking parts may be located within ten (10') feet of a spray booth, spray compartment or dipping space when approved by the administrative official having jurisdiction.
- 4.4.1 Artificial lighting shall be only by means of electricity.
- 4.5 LIGHTING FIXTURES.
- 4.5.1 When lighting fixtures are located within 10 feet of a spray booth, spraying compartment or dipping space, they shall be of the rigid

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stem type, enclosing all wiring and be equipped with keyless sockets having vaporproof globes, protected by wire guards.

- 4.5.2 All electrical equipment shall be installed and grounded as provided by the Administrative Code covering electrical equipment and permanently connected to their source of current supply, using metallic conduit.
- 4.5.3 No pin plug receptacles shall be used.
- 4.5.4 All electric light wiring shall be enclosed in metal conduits and shall conform to Rule 4.4.
- 4.5.5 The use of portable cords or trailer lights are prohibited.

Rule 5. Maintenance and Operation.

- 5.1 Every premises wherein a spraying, dipping, or immersing space is maintained and operated shall be continuously under the charge and supervision of one or more persons holding a certificate of fitness, whose duty shall be to see that the spray, dipping and immersing space rules and the terms of the permit are not violated. No other duties shall interfere with the enforcement of these rules.
- 5.2 Smoking or the carrying of lighted cigars, cigarettes or pipes in spray, dipping or immersing space is prohibited.
- 5.3 No person shall be permitted within a spray space between the spray gun and the exhaust outlet while the spray gun is in use.
- 5.4 Spraying, dipping or immersing spaces and its surroundings shall be kept clean at all times and shall be kept clear of all materials, equipment and utensils not required in the operation of the spray. Side walls, ceilings, baffle plates, etc., shall be sprayed with soap and water solution, before cleaning, or cardboard or masking paper can be fastened before any operation and after said operation be removed from the premises in approved waste cans.
- 5.5 Floors within and surrounding spray, dip or immersing spaces shall be kept clean and free from waste material at all times.
- 5.6 Spray rooms, booths, fans, ducts, and other equipment shall be cleaned frequently and maintained in clean and efficient working condition; lacquer spraying booths shall be wet down before cleaning.
- 5.7 Implements used for cleaning shall be made of non-ferrous material to avoid sparks.
- 5.8 Metal waste cans with self-closing covers shall be provided for all spraying, dipping or immersing spaces and storage rooms. The number to be installed shall be determined by the administrative official having jurisdiction.
- 5.9 Approved fire appliances shall be installed in all spraying, dipping or immersing spaces and in storage rooms as may be determined by the administrative official having jurisdiction.
- 5.10 Accumulation of flammable waste, sweepings or deposits from spray, dip or immersing space is prohibited. All such waste shall be placed in approved waste cans and be removed from the premises at the close of work each day.
- 5.11 All sand papering of lead painted surfaces shall be done with wet sand paper.
- 5.12 No motor vehicle shall be taken into or out of a spray space under its own power. Batteries shall be removed before the process of spraying is begun.

Rule 6. Storage and Mixing.

- 6.1 Main supplies of spray coating materials and thinners shall be kept in an outside storage building, storage rooms or in vented metal cabinets, in accordance with the following amounts:

- 6.1.1 Spraying materials not in excess of 20 gallons may be stored in metal cabinets or wood cabinets, metal covered on both sides including the door. All cabinets to be ventilated at top and bottom.
- 6.1.2 Spraying materials in excess of 20 gallons and not exceeding 100 gallons may be stored in double-walled metal cabinets vented directly to the outer air.
- 6.1.3 Spraying materials in excess of 100 gallons shall be stored in a separate exterior storage building of fireproof or fire-resisting material with ventilated plain glass skylight or in a storage room constructed fireproof in a fireproof building or fire-resisting in a non-fireproof building. The maximum amount of spraying materials to be stored in a storage room of a non-fireproof building shall be determined by the administrative official having jurisdiction. Storage rooms shall have a window opening to the outer air but such window shall not be on a lot line, enclosed court, nor opposite within twenty feet of windows of adjacent buildings nor part of the same premises, such window openings to be fireproofed and lower half provided with open louvers or ventilated by metal duct or fan at least 8 inches in diameter. The floors of all storage rooms shall be waterproofed up to a height of at least 6 inches from the floor and be properly pitched for drainage purposes to a low point within the enclosure. Any drain in such storage room shall not be connected to the house drainage system or street sewer. The sill of the door shall be at least 6 inches above the finished floor. All doors to be tin-clad, approved, fireproof and self-closing.
- 6.1.4 Mixing or thinning of coating materials shall be conducted in a storage building or storage room, except that containers of total capacity not exceeding ten gallons may be opened and their contents mixed in the spray room or room in which booths are located while the air exhaust system is operating.
- 6.1.5 Working supplies sufficient for not more than one day's use but not exceeding twenty gallons to each booth, nor a total of one hundred gallons, may be kept in the spray room or room in which spray booths are located; covers of containers must be kept thereon when such containers are not actually in use. This amount is in addition to the amount allowed in 6.1.7.
- 6.1.6 Gravity feed material containers for supplying spray guns shall not exceed ten gallons in capacity and shall be supported by wire cables or metal brackets having a factor of safety of two when filled with the heaviest spraying materials used.
- 6.1.7 Pressure feed tanks and other equipment for use in connection with direct spraying under air pressure shall be restricted to tanks of not more than sixty gallons, individual capacity, designed, constructed and approved for this specific purpose by the Board of Standards and Appeals. Each tank shall be provided with a safety valve set at a pressure not exceeding eighty pounds. All gravity feed containers and other spraying equipment shall be approved as above.
- 6.1.8 The installation of all electrical wiring, switches, lighting and all other electrical equipment, and the provisions of these rules against carrying matches or smoking and prohibiting flame or spark-producing devices, shall also apply to storage or mixing rooms.

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- 6.2 STORAGE of spraying, dipping and immersing materials shall not be in excess of two hundred (200) gallons in a storage room, but in a building in which nitro cellulose products are manufactured, stored or kept the amount shall be not over twenty-five (25) gallons as per Section C19-113.0, subdivision h of the Administrative Code.
- 6.3 Sprinkler heads shall be provided in all spray, dip or immersing spaces and storage rooms and shall be installed in accordance with the Sprinkler Rules of the Board of Standards and Appeals, except in non-sprinklered buildings where sprinkler connection may be made to the house water supply.
- 6.4 Sprinkler heads in spray, dip and immersing spaces shall be cleaned at least once a week under the supervision of the person holding the certificate of fitness and a coating of light grease or vaseline shall be applied after each cleaning to prevent the formation of a hard deposit and render the sprinkler useless in case of fire. The use of paper bags or other materials about sprinkler heads is prohibited.

Rule 7. General Requirements.

Notice—Attention is called to the provisions of the Administrative Code as to violations reading as follows:

Section C19-152.0 of the Administrative Code, "Any person who shall willfully violate or neglect or refuse to comply with any of the provisions of this chapter in addition to any other penalties prescribed by law or ordinance shall, upon conviction, be punished by a fine of not more than \$500 or by imprisonment not exceeding 6 months, or by both such fine and imprisonment."

- NOTE:—The principal cause of fires in spray-booth installations are: broken electric lamps and other electrical defects; cleaning the interior of booths; fans and motors with highly flammable solvents; accumulation of deposits in the tubes and vent pipes from neglect in cleaning them frequently; unnecessary accumulation of waste and refuse, smoking and a general lack of cleanliness.
- (a) "No Smoking" signs, with letters at least 2 inches in height, shall be posted in all spray rooms and paint storage rooms or building.
- (b) No combustible materials shall be stored or maintained within 15 feet of any spray booth.
- (c) All stocks shall be arranged so as not to interfere with the operation of automatic sprinkler heads.

Rule 8. Existing Spray Booths and Installations.

These rules shall be retroactive in the following respects:

- Rule 1.3 Heating of Rooms.
Rule 3.1 Air Exhaust System.
3.2 Air Supply and Mixing.
Rule 4.1 Construction of Spray Booths.
4.1.3 Surfacing of Booths.
4.1.5 Surfacing of Booths.
4.2.2 Maintenance of Ducts.
4.2.5 Electric Lighting.
4.2.6 Method of Induced Draft.
4.4 Separation of Booth from Flame.
4.4 Location of Motors.
Rule 5.1 Certificate of Fitness.
5.2 Smoking, Matches, etc.
5.6 Maintenance of Equipment.
5.7 Cleaning Implements.
5.9 Fire Appliances.
5.10 Accumulation and disposal of waste materials.
5.12 Motor Vehicles in booths or rooms.
Rule 6. Storage and Mixing.
Rule 7. General Requirements.

NOTE:—Rules 6.1, 6.2, 6.3 and 6.4 may not be applied in fireproof buildings equipped with an approved existing automatic sprinkler system where the general conditions of cleanliness are properly maintained at all times.

Rule 9. Approval Forms and Plans.

There shall be filed before installation with the administrative official by the purchaser (or by the seller thereof) an application form on sheet 8 inches by 10 inches, which form shall give the proper name and address of booth user and also the floor on which the booth or booths are to be installed. An ink drawing of the floor upon which the booth will be located shall be submitted on the form sheet; such drawing shall show by feet and inches the location of exits, chimneys and booths.

When a storage and mixing room is to be installed, plans drawn to a scale of at least 1/16 of an inch to a foot shall be filed with the administrative official for examination and approval. Such plan shall show on the floor plan the location of all booths, storage and mixing rooms exits, and all chimneys and exterior openings within 15 feet of the storage rooms and vent ducts.

NOTICE

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the Board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication of this BULLETIN of the calendars of the Board, each case being set down by Calendar Number and the premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the

offices of the Board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the Board is to dispose of all cases promptly; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

RULES

OIL BURNER RULES

(217-21-SR)

RULES COVERING THE INSTALLATION AND USE OF OIL BURNING EQUIPMENT AND THE STORAGE OF OILS USED IN CONNECTION THEREWITH

Adopted by the Board of Standards and Appeals June 15, 1934, Amended July 12, 1935, January 28, 1936, December 4, 1936, and July 1, 1941.

(Superseding Fuel Oil Rules adopted by the Board of Standards and Appeals, November 6, 1919; amended January 6, 1922; January 18, 1924; November 3, 1926; September 11, 1928; January 11, 1929; March 20, 1931; May 12, 1931; November 24, 1931; May 10, 1932; June 24, 1932 and November 4, 1932.

Authority: Section 666, paragraph 2 of the New York City Charter.

Rule 1. Scope.

- 1.1 No person shall install oil-burning, or oil-storage equipment for use within the City of New York except as provided in these rules.
- 1.2 These rules shall not apply to gas companies storing or using oil in the manufacture of illuminating gas for public use.

Rule 2. Definitions.

- 2.1 For the purpose of these rules the following terms shall be interpreted in accordance with these definitions:
- 2.2 APPROVED: Shall mean devices hereafter approved by the Board of Standards and Appeals and also, when required by the Board of Standards and Appeals, approved, listed as standard, and/or labeled by any nationally recognized standard testing laboratory not operated for commercial profit, provided all such devices are installed in accordance with these rules. Such approval is subject to suspension or revocation for non-compliance with these rules. All devices approved by the Board of Standards and Appeals prior to the adoption of these rules shall be accepted.
- 2.3 AUTOMATIC PUMP: Shall mean an automatic transfer pump operating independent of the burner to provide a continuous supply of oil.
- 2.4 BURNER: A device designed for the purpose of burning oil.
- 2.5 COMMERCIAL INSTALLATIONS: Oil burner installations in buildings, other than dwellings when used for heating and generation of power for use on premises.
- 2.6 CONTROLS: Such electrical or mechanical devices as are installed for the purpose of providing safe and continuous operation.
- 2.7 DISCHARGE LINE: That portion of the line between the discharge outlet of the pump and the burner oil inlet connection.
- 2.8 DOMESTIC INSTALLATIONS: Oil burner installations installed in dwellings as defined in these rules.
- 2.9 DWELLINGS: Buildings used exclusively for dwelling purposes and occupied by one or two families, including convents, rectories and monasteries.
- 2.10 ELECTRICALLY GROUNDED: For protection against lightning shall mean storage tanks set directly in or on the ground and/or with underground piping connections. Where storage tanks without underground piping connections are built on bases above the surface of the earth, such storage tanks shall be grounded at two (2) points 180° (degrees) apart as follows:
 - 2.10.1 The conductor from tank to ground connection shall be of copper not smaller than No. 6 (.162") A.W.G. wire, or pipe not less than one-half inch ($\frac{1}{2}$ ") in diameter.
 - 2.10.2 One end of conductor shall be permanently and electrically bonded to tank. The other end shall be bonded to a ground connection consisting of a water pipe or a rod, pipe or plate having a surface area of not less than one hundred and ninety (190) square inches, buried in moist earth not less than two feet (2') below the surface of the earth.
- 2.11 FILL PIPE: That portion of the line between the fill pipe terminal and the fill pipe connection in the storage tank.
- 2.12 FIRE RETARDING MATERIALS:
 - 2.12.1 One-half ($\frac{1}{2}$) inch plaster boards, or asbestos boards, or three-eighths ($\frac{3}{8}$) inch gypsum wall boards weighing not less than 16 pounds per square yard with pointed joints covered with No. 26 U. S. gauge sheet metal with one (1) inch lapped seams nailed to the wood beams when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are spaced more than sixteen (16) inches on centers, or
 - 2.12.2 Two thicknesses of one-quarter ($\frac{1}{4}$) inch asbestos boards laid with tight staggered joints and nailed to the beams, when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are more than sixteen (16) inches on centers, or
 - 2.12.3 Metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters ($\frac{3}{4}$) inch thick.
 - 2.12.4 Note—All fire retarding material to be applied as required in rules for fire retarding material of the Board of Standards and Appeals.
- 2.13 GROUND: An electrical conductor having capacity to absorb current.
- 2.14 INDUSTRIAL INSTALLATIONS: Oil burner installations for industrial purposes.
- 2.15 OIL: Any liquid mixture, substance or compound derived from petroleum, including kerosene and fuel oil as defined in C19-2.0 of the Administrative Code and Rule 3.
- 2.16 OIL BURNING EQUIPMENT: Any device including burners, oil burning heaters, internal combustion engines used for heating, power or other purposes designed for and/or using oil as defined in these rules.
- 2.17 OIL LEVEL INDICATING DEVICE: A means by which the level of the oil in a storage tank may be indicated.
- 2.18 OVERFLOW PIPE: A pipe which conveys, by gravity, the oil from the maximum level of an auxiliary tank to the storage tank or from the pump to the storage tank.

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- 2.19 **PERMANENT DEFORMATION:** Wherever phrase, "without permanent deformation," is used in these rules it shall mean that the tanks or containers shall, after release of test pressure, resume their original size and shape.
- 2.20 **PERMIT:** Shall mean permit for storage of oil.
- 2.21 **PORTLAND CEMENT CONCRETE:** Shall mean a mixture of one (1) part cement and not more than two and one-half ($2\frac{1}{2}$) parts sand and five (5) parts of coarse aggregate and complying in all other respects with the requirements of C26-311.0 of the Administrative Building Code.
- 2.22 **PREHEATER:** A device designed for heating oil for the purpose of decreasing the viscosity.
- 2.23 **RELIEF VALVE:** A valve held shut by a spring or other means of automatically relieving pressure in excess of its setting.
- 2.24 **RELIEF LINE:** That portion of the line between the bypass connection of the relief valve and the supply line or storage tank.
- 2.25 **REMOTE CONTROL:** A hand, electric, or mechanically-operated device to shut off the oil supply. A thermostat is not acceptable as a remote control.
- 2.26 **SCAVENGING LINE:** A line installed to permit the removal of water or foreign matter from a storage tank.
- 2.27 **SHOP FABRICATED:** Shall mean completely built in the shop of the tank manufacturer.
- 2.28 **SHUT-OFF VALVE:** A device that can be actuated to prevent the flow of liquid in a line of pipe.
- 2.29 **STORAGE CONTAINER:** Any container for oil connected to a burner or oil-burning heater and having a capacity of six (6) gallons or less.
- 2.30 **STORAGE TANK:** Any tank for oil having a capacity of two hundred and seventy-five (275) gallons or more, having a fill line and vent line connected thereto.
- 2.31 **STORAGE TANK, AUXILIARY:** Any container for oil having a capacity of not over 60 gallons and used as an intermediary tank for gravity feed and equipped with an automatic or manually operated pump.
- 2.32 **SUPPLY LINE:** That portion of the line between the storage tank and the pump oil inlet connection or hand valve. Where a pump is not used, it shall be that portion of the line between storage tank and burner and burner oil inlet connection or hand valve.
- 2.33 **TEST WELL:** An opening in the top of the storage tank or a straight pipe connected to such opening through which a gauge stick may be inserted into the storage tank.
- 2.34 **TRANSFER PUMP:** An oil pump that is not an integral part of the burner and which is installed between storage tank and burner.
- 2.35 **VENT PIPE:** That portion of the line between vent pipe terminal and vent pipe connection in the storage tank.

Rule 3. Oil Permitted.

- 3.1 Oil permitted under these rules shall be any hydrocarbon oils free from acid, grit and fibrous or other foreign matter. The fuel oils shall be classified as provided in Commercial Standard CS12-38 U. S. Department of Commerce, and shall have a flash-point not lower than 100 degrees Fahrenheit when tested in a Pensky-Martens closed cup tester

(American Society for Testing Materials Method D-93-36) and marketed under the following commercial grades:

Range Oil	
No. 1 Fuel Oil	
No. 2	" "
No. 3	" "
No. 4	" "
No. 5	" "
No. 6	" "

- 3.2 The use of crankcase refuse oil as fuel oil is strictly prohibited.

Rule 4. Standards For Approval of Oil Burners by the Board.

- 4.1 Approved burners, including oil-burning heaters, shall be an assembly of approved parts suitable for use with each other for the service intended, as approved, such burners shall be provided with suitable safeguards to prevent abnormal discharge of oil.
- 4.1.1 When assembled each burner shall be tested for defects and proper functioning throughout its operating range. Parts shall be so designed as to maintain alignments and to permit interchangeability.
- 4.1.2 The CO_2 in the flue gas shall be maintained at not less than 8% without smoking and throughout the operating range of the capacity of the burner when tested.
- 4.1.3 Flexible tubing used as an integral part of burner shall be not longer than 72 inches and of an approved type.
- 4.2 Approval of burners or oil-burning heaters designed for installation with storage of not more than six (6) gallons shall include approval of storage containers and limitations of installation. If more than six (6) gallons' storage is desired for such burners or oil-burning heaters, a storage tank shall be installed as provided for in these rules. Portable containers of not more than six (6) gallons' capacity may be filled from such storage tanks by means of an approved hand pump located above the top of the tank.
- 4.3 The requirements of these rules shall not apply to the use and installation of portable burners not requiring a connection to a flue where such burners are of the type commonly used for household purposes including oil stoves, oil heaters and oil lamps equipped with a woven wick, nor do the requirements of these rules apply to such portable apparatus such as blow torches, soldering pots, tar heaters, snow melters, etc.

Rule 5. Material and Construction of Tanks.

- 5.1 **Cylindrical Tanks (except vertical tanks located outside of buildings above ground).**

5.1.1 All tanks for the storage of fuel oil shall be built of steel plates made by the open hearth process and known to the trade as "tank steel." Such plate shall be free from physical imperfections, such as laminations, cracks, mill scale, etc. All steel must be new in good condition and free from rust. The thickness of steel required and the size and spacing of rivets shall be as stated in the table given below.

5.1.2 All tanks shall be welded or riveted and caulked, or riveted and welded. Flanges or other pipe connections may be welded. All caulking shall be done with round nose tools and without injury to the plates. Filler of any kind between plates is prohibited.

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5.1.3 Thickness of cylindrical tanks, except tanks of 275 gallons capacity or less:

Tanks 36 in. in diameter and less— $\frac{1}{4}$ in. shell, $\frac{1}{4}$ in. heads.

Tanks 37 to 72 in. in diameter— $\frac{1}{4}$ in. shell, $\frac{5}{16}$ in. heads.

Tanks 73 to 120 in. in diameter— $\frac{5}{16}$ in. shell, $\frac{3}{8}$ in. heads.

Tanks over 120 in. in diameter to be of $\frac{3}{8}$ in. steel and to be stiffened by angle rings or equivalent members so as to retain their cylindrical form.

5.1.4 All cylindrical, oval or obround storage tanks shall have dished heads with a curvature the radius of which is not greater than the diameter of the tank. Dished heads shall be formed with an adequate cylindrical extension rim to provide welding or riveting surface. Should flat heads be used they shall be braced in the same manner as described for the bracing of flat sides of rectangular tanks.

5.1.5 Diameter and spacing of rivets:

Riveting in single lap seams shall not exceed a pitch as follows:

In shell $\frac{1}{4}$ in. thick, $\frac{5}{8}$ in. in diameter rivets $2\frac{1}{4}$ in. pitch.

In shell $\frac{5}{16}$ in. thick, $\frac{5}{8}$ in. in diameter rivets $2\frac{3}{8}$ in. pitch.

In shell $\frac{3}{8}$ in. thick, $\frac{3}{4}$ in. in diameter rivets $2\frac{1}{2}$ in. pitch.

5.2 Rectangular Tanks.

5.2.1 All rectangular tanks shall be built of steel plates of the quality required for cylindrical tanks, and of a thickness of not less than $\frac{5}{16}$ of an inch.

5.2.2 Corners may be made up by bending the plates or by use of angles.

5.2.3 Rivets in seams shall be $\frac{5}{8}$ of an inch in diameter and spaced not more than $2\frac{1}{4}$ inches center to center.

5.2.4 All flat surfaces of rectangular tanks are to be braced. Bracing shall be done either by using structural steel members which will act as girders and which will safely carry the load with a factor of safety of five (5), or by using bars from side to side, end to end and top to bottom of the tanks as the case may be.

5.2.5 When structural steel members are used such as angle, channels or beams, etc., the distance from center to center of the rivet lines on these members must not be in excess of twenty-four inches, and the rivet spacing must be such that it will develop the full strength of the members. In no case shall the rivets be in excess of six (6) inches center to center on these members.

5.2.6 When structural steel reinforcing members are tied together with braces in order to reduce the effective length, the braces shall not be stressed higher than nine thousand (9,000) pounds per square inch taken in the minimum net section.

5.2.7 If structural steel members are omitted and the sides of the tank are braced by means of rods or bars, these members should not be spaced farther apart than twenty-four (24) inches center to center in all directions. The unit stress permitted in these members shall not be in excess of nine

thousand (9,000) pounds per square inch on the minimum net section.

5.2.8 The connection between these members and the sides of the tank must in all cases be such that it will develop the full net sections of the bars so that the bar will break before the connection will let go.

5.3 All Tanks Except Vertical Above-Ground Storage Tanks.

5.3.1 All storage tanks for oil of two hundred and seventy-five (275) gallons' capacity or less, except buried tanks, shall have a minimum thickness of shell and head plates of manufacturers Standard 10 gauge (.134"). Auxiliary storage tanks of 60 gallons or less shall be similarly constructed but need not be of a gauge thicker than U. S. Standard No. 14.

5.3.2 At time of installation all storage tanks shall bear a permanently fixed plate, spot-welded or equivalent, bearing the name of tank manufacturer, the gauge of material and capacity of tank. All shop fabricated storage tanks shall be installed without structural alteration.

5.3.3 All openings shall be through the top of the storage tank except that storage tanks of 275-gallons may be provided with a three-quarter inch ($\frac{3}{4}$ ") opening for gravity discharge and a one-inch (1") opening in the bottom for cleaning and protection against corrosion.

5.3.4 All buried storage tanks shall have a thorough coating on the outside of two coats of red lead protected by hot tar, asphaltum, or other equivalent rust-resisting material. All such tanks shall be electrically grounded.

5.3.5 Manholes; Tanks for oils having a viscosity less than 500 sec. Saybolt Universal at 100° F. need not have manholes; where used for such oils the manhole covers shall be bolted and made gastight; where used for oils having a viscosity greater than 500 sec. Saybolt Universal at 100° F. (No. 5 or No. 6 Commercial Standard grades) shall have manhole covers bolted or otherwise secured to the tanks and kept hydrostatically tight at all times.

5.4 Vertical Storage Tanks Over 1,000 Gallons Capacity Located Outside of Building Above Ground.

5.4.1 Vertical tanks located outside of buildings above ground shall be built of steel plates of the quality required for cylindrical tanks.

5.4.2 The minimum thickness of shell or bottom plates shall be $\frac{1}{4}$ inch and the minimum thickness of roof plates $\frac{1}{8}$ inch. The thickness of shell plates shall be figured in accordance with the following formula:

$$t \text{ equals } \frac{P \times r \times F}{T \times E}$$

P equals head pressure at bottom of ring under consideration.

R equal radius of shell in inches.

F equals factor of safety (taken as 5).

T equals tensile strength of plate in pounds per square inch (55,000 pounds per square inch).

E equals efficiency of vertical joint in ring under consideration (calculations to be based on formulas as given in Bulletin No.

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14 of the New York State Industrial Commission).

5.4.3 Roof plates shall have single riveted watertight seams and the roof shall be built to shed water. Bottom plates shall have single lap riveted seams. Shell plate seams shall be designed with proper efficiency to meet requirements of above formulas for shell plates.

5.4.4 In all cases, steel tanks for the storage of fuel oil must be built metal to metal. No filler of any kind will be permitted.

5.5 Storage Containers.

5.5.1 Storage containers for oil of six (6) gallons capacity or less used in connection with burners or oil-burning heaters shall be designed to withstand a hydrostatic pressure test of five (5) pounds per square inch without permanent deformation, rupture or leakage and shall be approved as provided in Rule 4.2. Glass storage containers shall not exceed three gallons capacity, protected with a metal jacket provided with hand grips and designed to be rigidly fastened to stand or wall and shall be approved as provided in Rule 4.2.

Rule 6. Location of Tanks.

6.1 Inside of Buildings, Above Ground.

6.1.1 Storage tanks having a capacity of two hundred and seventy-five (275) gallons and auxiliary tanks may be installed above ground in or on the lowest story of a building, provided such tanks shall be mounted on substantial incombustible supports, with tank permanently attached thereto, and located not less than seven feet (7') of clear unobstructed space measured horizontally from any furnace or source of exposed flame unless tank is protected as provided for in Rule 6.1.2. Such storage tanks inside buildings shall have an individual capacity of not more than two hundred and seventy-five (275) gallons capacity and not more than one such tank shall be connected to one burner. Not more than two (2) two-hundred-and-seventy-five (275) gallons storage tanks shall be installed in a building above ground without protection as provided for in Rule 6.1.2.

6.1.2 Storage tanks having a capacity of more than two hundred and seventy-five (275) gallons, when installed inside of buildings, shall be located on the lowest floor level and all portions of such tanks above the floor shall be protected by a continuous jacket of not less than four inches (4") of Portland cement concrete reinforced with not less than No. 20 gauge steel wire cloth 2" x 2" mesh, and extending at least four inches (4") beyond the horizontal outline of tank in all directions, with weep holes along the bottom one inch in diameter not more than 3 ft. apart.

Each storage tank may be placed in a protective enclosure having solid masonry walls not less than eight inches (8") in thickness and of dimension not less than fifteen inches (15") greater on all sides than the outside dimensions of the storage tank. The walls of the enclosure shall be carried up to a height not less than two feet (2') above the top of the tank. A fireproof access door shall be installed in the enclosure above the point

where the enclosure has a capacity equal to the tank; and for each additional 10 feet or fraction thereof by which the longest inside dimension of the enclosure exceeds 35 feet an additional fireproof access door shall be similarly installed at one or more intervals of not less than 10 feet. The ceiling above the tank enclosure shall be either fireproof or fire-retarded.

6.1.3 The capacity of individual storage tanks located inside of buildings shall not exceed twenty thousand (20,000) gallons.

6.1.3.1 All buried storage tanks shall be constructed of metal not less than $\frac{1}{4}$ " in thickness.

6.1.4 All storage containers used in connection with burners or oil-burning heaters shall be installed in a substantial and workmanlike manner with rigid metal fasteners to wall or floor and protected against mechanical injury.

6.2 Inside of Buildings, Below Ground.

6.2.1 Storage tanks having a capacity of 275 gallons or more may be buried inside a building with the top of the tank not less than two feet below floor level. In lieu of two feet of earth over the tank, the tank may be covered by concrete flooring equivalent to the basement floor but not less than the equivalent of 4 inches of reinforced Portland cement concrete with not less than No. 20 gauge steel wire cloth 2" x 2" mesh. Tanks shall be placed in firm soil and shall be surrounded by clean sand or well tamped earth, free from ashes or other corrosive substance, and free from stones larger than will pass through a one-inch mesh. When necessary to prevent floating, tanks shall be securely anchored. Storage tanks buried below the floor, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust-resisting material.

6.2.2 Storage tanks buried below the floor shall not be less than $\frac{1}{4}$ " in thickness.

6.2.3 No tank shall be buried so as to be nearer than three feet to any foundation wall or foundation footing.

6.3 Outside of Buildings, Below Ground.

6.3.1 Storage tanks located outside of buildings, below ground, shall be buried with the top of the tank not less than two feet (2') below the natural grade of the surface of the ground. Tanks shall be placed on firm soil and shall be surrounded by clean sand or well tamped earth, free from ashes or other corrosive substance, and free from stones larger than will pass through a one-inch (1") mesh. When necessary to prevent floating, tanks shall be securely anchored.

6.3.2 No tank shall be buried so as to be nearer than 3 feet to any foundation wall.

6.3.3 All buried storage tanks larger than two hundred and seventy-five (275) gallons, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two (2) coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust-resisting material. All tanks shall be electrically grounded.

6.3.4 All buried storage tanks shall be constructed of metal not less than $\frac{1}{4}$ " in thickness.

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6.4 Outside of Buildings, Above Ground.

6.4.1 Storage tanks located outside of buildings above ground shall be not less than one and one-quarter ($1\frac{1}{4}$) tank diameters and in no case less than ten feet (10') from the line of adjoining property, the nearest building or adjacent tank. Such tanks shall be electrically grounded. The maximum capacity of individual tanks located outside of buildings above ground shall be fixed by the following schedule:

If distant 25 feet from line of adjoining property which may be built upon	16,000 gallons
If distant 30 feet.....	24,000 "
If distant 40 feet.....	36,000 "
If distant 50 feet.....	48,000 "
If distant 60 feet.....	60,000 "
If distant 75 feet.....	96,000 "
If distant 85 feet, or more	100,000 "

6.4.2 Each such storage tank shall be protected by an embankment or a dyke. Such protection shall have a capacity of not less than one and one-half ($1\frac{1}{2}$) times the capacity of the tank so surrounded and shall be at least four feet (4') high but in no case higher than one-fourth ($\frac{1}{4}$) the height of the tank when the height of the tank exceeds sixteen feet (16'). Embankments or dykes shall be made of earthwork with clay core; or of masonry, or of impervious reinforced concrete. Earthwork embankments shall be firmly and compactly built of good earth; free from stones, vegetable matter, etc., and shall have a flat section at the top of not less than three feet (3') and a slope of at least one and one-half ($1\frac{1}{2}$) to two (2) on all sides. Concrete or masonry dykes shall be so designed as to safely carry the entire volume of the oil in the tank so surrounded. Embankments or dykes shall be continuous and unpierced. C-19-50.0 of the Administrative Code.

6.4.3 All above ground storage tanks larger than two hundred and seventy-five (275) gallons, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two (2) coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust-resisting material. All tanks shall be electrically grounded.

6.5 Tanks Located Along Line of Subways.

6.5.1 Along the line of subways no tank shall be placed within twenty feet (20') of any wall, separating a building from the subway, and, where practicable, tanks shall be placed in a lower position than the roadbed of the subway, except as may be modified in specific instances by the Board of Standards and Appeals.

Rule 7. Piping.

7.1 Installation of Piping and Tubing.

7.1.1 Piping and tubing shall be run in a substantial and workmanlike manner. Exposed piping shall be protected against mechanical injury and shall be securely supported with rigid metal fasteners or hangers. All pipes connected to buried tanks except test well piping shall be provided with double swing joints at tank.

7.1.2 Only new standard full-weight iron, steel or brass pipe, or new extra-heavy copper brass or aluminium alloy tubing, properly marked and duly approved, may be used. Drawn metal tubing when used for conveying oil, shall be adequately protected. Such tubing unless protected against mechanical injury shall be used only in the same room in which the burner is installed. Drawn tubing when used in domestic installations shall be not less than three-eighths inch ($\frac{3}{8}$ ") inside diameter up to shut-off valve at burner. Soldered connections are prohibited.

7.1.3 Overflow pipes where installed shall not be smaller in size than the supply pipe.

7.2 Relief Valves.

7.2.1 Where a shut-off valve is installed in the discharge line from an oil pump a relief valve shall be installed in the discharge line between the pump and the first shut-off valve.

7.2.2 Oil preheaters shall be of approved type and provided with a relief valve to prevent excessive oil pressure. Oil preheaters shall not be installed in the steam or water space of the boiler.

7.2.3 Relief valves shall be set to discharge at not more than one and one-half ($1\frac{1}{2}$) times the maximum working pressure of the system. The discharge from relief valves shall be returned to storage tank or to the supply line. There shall be no shut-off valve in the line of relief.

7.3 Vent Pipe.

7.3.1 An open vent of iron or steel, without trap, and draining to the tank, shall be provided for each storage tank. The lower end of the vent pipe shall not extend through the top of the storage tank more than one inch (1"). Cross connection between vent pipe and fill pipe is prohibited.

7.3.2 Where a battery of storage tanks, designed to hold the same grade of oil, is installed, vent pipes may be run into a main header.

7.3.2.1 The area of the header and common vent shall be equal to the sum of the areas of the vent pipe.

7.3.3 Vents shall be not less than one and one-quarter inches ($1\frac{1}{4}$ ") in diameter for storage tanks up to 1,100 gallons' capacity and not less than two inches (2") in diameter for storage tanks of 1,100 gallons and more. Vents for auxiliary storage tanks shall not be less than $\frac{1}{2}$ inch in diameter and may be run into the storage tank vent.

7.3.4 Vent pipes shall be provided with weather-proof hoods and shall terminate outside the building not less than two feet (2') from any building opening and not less than two feet (2') nor more than twelve feet (12') above the fill pipe terminal, except as may be otherwise approved by the Board. When such openings are fixed and constructed of incombustible materials they shall not be deemed openings within the intent of this rule. If the vent pipe terminal is not visible from the fill pipe terminal location, a one-inch (1") line shall be connected to tank and shall parallel the fill pipe and terminate at the fill pipe terminal with unthreaded end. Such tell tale lines shall be provided with a check valve set to prevent flow of surface water to storage tank.

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7.4 Fill Pipes.

- 7.4.1 Fill pipe shall terminate outside the buildings with the fill pipe terminal located at or above grade at least two feet (2') of any building opening or subway grating at or below the level of the fill pipe terminal. No fill pipe shall be less than 2 inches in diameter.
- 7.4.2 Each storage tank shall be provided with a separate fill pipe except where a battery of tanks is installed, containing the same grade of oil, a common fill and header pipe may be installed provided the area of common header pipe is no smaller than the largest branch fill pipe. When different grades of oil are piped to separate tanks from a common fill line, each branch fill pipe shall be provided with a shut-off valve.
- 7.4.3 Where the top of the storage tanks is above the fill pipe terminal the fill pipe shall be connected to the top of the tank and be provided with a shut-off valve and a swing check valve which shall be located at the fill pipe terminal.
- 7.4.4 All fill pipe terminals shall be of approved type constructed of a suitable material, provided with lugs for imbedding in concrete or in lieu thereof a set screw to fasten terminal to fill pipe. The outer flange of the fill pipe terminal shall be provided with letter reading "Fuel Oil" and the calendar number under which the fill pipe terminal has been approved. The fill pipe terminal shall be separately threaded to receive the seal cap and the fill pipe. The seal cap shall be suitably threaded and slotted for a special opening wrench. An oilproof gasket inserted in a groove in the fill pipe terminal shall be provided so as to render the fill pipe terminal leakproof. A strainer is not required but if used must be of not less than $\frac{1}{8}$ inch mesh. Where there is a storage system of volatile inflammable oil and a storage system for fuel oil to be used in the same premises, the terminal of fuel oil fill pipe shall be provided with a left-handed thread, and the fill pipe fitting shall be of a different size than that required for the fill pipes to gasoline tanks.

7.5 Heating Coils in Storage Tanks.

- 7.5.1 All heating to reduce viscosity of oils in storage tanks shall be only by means of hot water or low pressure (ten (10) pounds per square inch maximum) steam coils or electric heaters approved for oil storage tanks.

7.6 Scavenging Line.

- 7.6.1 When a scavenging line is installed it shall terminate outside of the building and shall be capped oil tight when not in use.

Rule 8. Valves and Control of Oil Flow.

- 8.1 Each supply line from storage tanks of two hundred and seventy-five (275) gallons' capacity and from auxiliary storage tanks shall be provided with a shut-off valve at the tank and at the burner and when connected to burners designed for gravity feed, shall be provided with an approved constant level device.

- 8.2 Each supply line for storage tanks of more than two hundred and seventy-five (275) gallons' capacity, shall be provided with a shut-off valve at the burner and where the top of the tank is above the oil inlet connection to the burner and/or transfer pump, shall be provided with an approved anti-syphon device located at the highest point in supply line, except that where heavy oil (No. 6 Commercial Standard Grade) having a viscosity of one hundred (100) seconds or more Saybolt Furol at one hundred and twenty-two degrees Fahrenheit 122° F.) is used, the anti-syphon device shall not be required.

- 8.3 Except as may be modified in specific instances by the Board of Standards and Appeals, oil from storage tanks of two hundred and seventy-five (275) gallons' capacity or more may be delivered to burners installed above the lowest floor of a business building only under the following provisions:

- 8.3.1 Plans for such installations shall be submitted for approval to the administrative official having jurisdiction before such installation is made.

- 8.3.2 Such burners shall not be installed in any story of any building the floor of which is more than fifty feet (50') above the street level. Only one oil delivery line shall be installed for each floor.

- 8.3.3 Oil delivery lines to burners located above the lowest floor of a building shall not be larger than two inches (2") iron pipe size.

- 8.3.4 The pressure in oil lines to burners located above the lowest floor of a building shall not be more than is necessary to deliver oil to the burners and such pressure shall not in any case exceed thirty (30) pounds per square inch. With each automatic burner there shall be installed and maintained in good working order a set of suitable safety controls of the electric or mechanical type. The proper control for each burner is to be listed in the resolution under which the burner is approved. The controls are to provide the following functions:

Temperature control	
Ignition	"
Stack or	
Combustion	"
Pressure	"
Gravity	"

- 8.4 A remote control shall be provided whereby the flow of oil to any burner can be stopped, and such remote control shall be located outside the entrance to the room in which the burner is located and as close to such entrance as practical, except when outside location is impracticable such control may be located immediately inside the room in which the burner is located if such location is accessible at all times. All such controls shall be legibly labeled "Remote Control for Oil Burner." On auxiliary storage tanks used with manually operated burners such remote control may be installed on feed lines between tank and burner.

- 8.5 Except as provided by Rule 4.2 of these rules for approved combination burner and storage container devices, pressure in storage tank or container for the purpose of discharging oil is prohibited.

- 8.6 In system where either steam or air is used for atomizing the oil, the oil and the atomizing supply shall be interlocked, so that in case of the inter-

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ruption of the atomizing supply, the supply of oil will immediately be cut off. Except that this requirement shall not apply to air and oil supply units directly connected to a common driver.

Rule 9. Oil Level Indicating Devices and Test Wells.

- 9.1 All tanks located inside of buildings shall be provided with an oil level indicating device. Test wells shall not be permitted in tanks located inside of buildings. Unused tank openings shall be permanently sealed to prevent removal of plugs or cover.
- 9.2 Oil level indicating devices shall be constructed of substantial materials so designed that there can be no leakage of oil or oil vapor.
- 9.3 Test well shall be capped oil tight and kept closed when not in use.

Rule 10. Permits, Plant, Inspection and Tests of Storage Tanks and Piping.

10.1 Permits.

- 10.1.1 No oil installation of more than six (6) gallons' capacity shall be operated until after a permit has been issued by the Fire Commissioner.
- 10.1.2 Applications for permit shall be made by the installer who holds a certificate or license issued by the Fire Commissioner on forms furnished by the Fire Commissioner and shall provide for the location of the building in which the installation is to be made, name and address of owner and/or occupant, name and address of installer, make and approval number of burners, pumps and other devices, capacity number and location of storage tanks, together with approval of such proposed installation by the Borough Superintendent of Buildings when required under Rule 10.2.
- 10.1.3 No permit shall be issued by the Fire Commissioner until the installation has been inspected by his representative and the installer has furnished an affidavit that the CO₂ content of the flue gas by actual test of the completed installation is not less than 8 per cent without smoking.

10.2 Plans to be Filed Where Structural Considerations Are Involved.

- 10.2.1 The installer shall file with the Borough Superintendent of Buildings plans showing the size and location of all storage tanks having a capacity greater than 275 gallons where such tanks are to be installed either inside of buildings in or below the lowest floor level or outside of buildings below ground. Plans, however, shall be filed where 275 gallon tanks are to be buried and for all multiple dwellings and for all places of public assembly. All plans, as in this section required, shall be certified to the Fire Commissioner by the Borough Superintendent of Buildings before any work is started. All such plans shall show compliance with all structural requirements and shall show all salient features of the installation. Plans shall also be approved by the Board of Transportation for all tanks

located in or outside of buildings along the line of subways under the limitation in Rule 6.5.1.

10.3 Inspection and Tests of Installations of Storage Tanks and Piping.

- 10.3.1 Storage tanks of approved type and not exceeding two hundred and seventy-five (275) gallons' capacity and all piping for oil connected thereto shall show no leakage when tank and all piping for oil is completely filled with oil when subjected to a test of 10 pounds per square inch for a period of ten (10) minutes in installations in multiple dwellings, places of public assembly and amusement, except that no tests shall be required for installations in occupancies not specifically mentioned herein.

- 10.3.2 Storage tanks of more than two hundred and seventy-five (275) gallons' capacity and all piping for oil connected thereto shall show no change in shape, rupture or leakage when subjected to a hydrostatic test with water or oil as follows:

- 10.3.2.1 Oval, obround, rectangular and specially shaped storage tanks and piping connected thereto, twenty-five (25) pounds per square inch.

- 10.3.2.2 Cylindrical storage tanks and piping connected thereto, fifty (50) pounds per square inch.

Pressure shall be applied for a period of thirty minutes. When oil is used there shall be no fire or flame in the room or rooms in which the test is being conducted. All tests shall be conducted in the presence of a representative of the Fire Commissioner. The contractor shall furnish all necessary equipment for conducting tests. Such test may be made with oil in freezing weather for tanks located outside of building.

- 10.3.3 Defective tanks, if repaired by welding, shall have all oil removed and shall be purged of all explosive gases or vapors.

- 10.3.4 The anti-syphon devices, where used as provided for in these rules, shall be approved devices.

- 10.3.5 All piping conveying oil from a transfer pump to a burner subjected to a pressure in excess of 50 lbs. per sq. inch shall be tested for a pressure of 1½ times the working pressure.

10.4 Fee for Permit and Test of Storage Tanks and Piping.

- 10.4.1 When application for permit is made, as provided for in Rule 10.1, a fee covering the permit shall be paid in accordance with the schedule given in the Administrative Code.

Rule 11. Inspection of Installations With Not More Than Six (6) Gallons' Storage Capacity.

- 11.1 All installations of burners with not more than six (6) gallons' storage capacity except where such installations are made in dwellings shall be

RULES

reported by installer to the Fire Commissioner giving location of building in which installation is made, name and address of owner and/or occupant, name and address of installer and the make and approval number of burner. Such reported installations shall be inspected as required by the Administrative Code.

Rule 12. Ventilation.

- 12.1 No burner shall be installed in any boiler, heater, range or stove unless each boiler, heater, range or stove be connected with a separate flue in a legal chimney, complying with Article 11 of the Administrative Building Code except that in high pressure mercantile and industrial plants several units may be connected to a boiler room stack.
- 12.2 Adequate ventilation, at least equivalent to area of the smoke pipe at the point where it enters the flue, shall be provided in all rooms in which burners are installed.
- 12.3 Dampers shall be so constructed that they cannot completely cut off the passage of flue gases at any time, and on all installations in one and two family dwellings an approved automatic draft control of the same size as the cross-sectional area of the pipe or breaching shall be installed in the breaching or flue pipes.

Rule 13. Automatic Pumps.

- 13.1 Automatic pumps, when not an integral part of the burner shall be of approved type, provided with automatic means for preventing continuous discharge of oil in case of pipe breakage.

Rule 14. Fire Protection.

NOTE: In order that the intent of Local Law No. 145 be carried out, Section C26-693.0, sub. d, par. 1, 2, 3, is superseded by the following:

- 14.1 The clear distance between smoke pipe connections, of any boilers, furnaces or other heating apparatus to flues, and combustible material shall not be less than eighteen (18) inches, except that this clearance may be reduced to nine (9) inches where a baffle consisting of not less than No. 29 gauge sheet metal backed by $\frac{1}{4}$ inch thick asbestos is placed two (2) inches above and extending along the entire length of the smoke pipe connections and twice the width thereof and such baffle is securely fastened from the ceiling with substantial hangers. In lieu of such baffle the combustible material may be covered with fire-retarding material as defined in these rules.
- 14.2 The clear distance between any non-insulated heat-producing parts of boilers, furnaces or other heating apparatus and combustible material shall not be less than twenty-four inches (24"). Where such parts are insulated by two inches (2") of asbestos, or equivalent, the clear distance shall be not less than twelve inches (12"), or, in lieu of such insulation the combustible material shall be covered with fire-retarding material as defined in these rules extending 8 ft. in front and 4 ft. side and rear of the apparatus.
- 14.3 No movable combustible material shall be stored or maintained within five feet (5') of heating apparatus, except where same is protected by fire retarding material.
- 14.4 Burners and all accessories, including tanks and piping, shall be maintained oil tight and kept clean at all times.

- 14.5 The floor beneath boiler or furnace and within five (5) feet in all directions shall be of fireproof construction.

- 14.6 Oil burning devices designed for installation with storage of not more than six (6) gallons shall be firmly anchored to the floor, set level, and the floor beneath the stoves or any such heating devices protected by a shield of $\frac{1}{2}$ " asbestos or equivalent extending at least twelve inches (12") beyond the projected area of such device where required within the specific approval of each burner. Approved safety cans only shall be used for the storage and filling of oil containers. The fuel oil used for these burners shall be range oil or No. 1 or No. 2 fuel oil. The manufacturer or installer of these burners shall within 48 hours after each installation notify the Fire Department in writing of the name of the person to whom this burner is sold and the address of the premises where installed.

- 14.7 Near each boiler or furnace of a fuel oil-burning unit there shall be kept ready for use fire extinguishing equipment of not less than two quart capacity approved as suitable for oil fires or not less than two pails of sand, the pails to have rounded bottom.

Rule 15. Instruction Cards and Certificate of Fitness.

- 15.1 Cards, giving complete instructions for the care and operation of the system shall be permanently fixed near the apparatus in readable condition. Where burners or oil-burning heaters designed for use with storage of not more than six (6) gallons' capacity are installed, there shall also be posted a copy of the specifications under which it was approved by the Board of Standards and Appeals in addition to the instruction card herein provided for.
- 15.2 Every heating system in which the oil is preheated or systems not fully automatic when operating, shall be under the direct supervision of a person holding a certificate of fitness issued by the Fire Commissioner and who shall be in the building at all times while the burners are in operation, except, that a person holding a certificate of fitness as a licensed engineer or as a licensed fireman issued after May 1, 1941 under the provisions of C26-213.0 of the Administrative Building Code, or a person with such license issued prior to May 1, 1941 carrying an endorsement reading "Oil Burners" shall not be required to obtain such certificate.

Rule 16. Modification.

- 16.1 When, for any reason, it may be impracticable to comply strictly with the foregoing rules, the administrative official having jurisdiction shall have power to accept substitute methods provided the spirit and substance of these rules shall be complied with.

Rule 17. Existing Installations.

- 17.1 Oil burner systems heretofore installed and duly approved as complying with all laws and rules then applicable thereto shall be deemed acceptable, provided there have been no subsequent alterations to the apparatus, except as to Rule 15.2.

BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, *Chief Clerk*

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

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| 344-43-A | H.B.M. | 165 West 10th street, north side, 31 ft. $\frac{5}{8}$ in. east of Seventh avenue (Block 611, Lot 33), Borough of Manhattan, Misc. 527-43. |
| 345-43-A | F.D. | 115-123 Waterbury street and 265-281 Ten Eyck street, northwest corner (Block 3020, Lot 31), Borough of Brooklyn, Decision re 93164-L.C. |
| 346-43-A | H.B.Q. | 87-86 188th street, west side, 100 ft. north of Hillside avenue (Block 9960(1007), Lot 56(1), Hollis, Borough of Queens, Alt. 127-43. |
| 347-43-BZ | H.B.Q. | 67-45 Alderton street, east side, 406.08 ft. north of Yellowstone boulevard (Block 3150, Lot 22), Forest Hills, Borough of Queens, Alt. 814-43. |
| 348-43-A | F.D. | Re: Packaging and storage of combustible mixtures known as "Mobilgloss, Mobil Prewax Cleaner, Mobil Penetrating Oil, Mobil Dry Cleaner, Tavern Dry Cleaner, Sanilac Liquid Wax, Sanilac Penetrating Finish, Sanilac Super Sealer and Sanilac Floor Dressing" in one-gallon glass jugs, "Tavern Liquid Wax" in one-gallon and one-half gallon glass jugs; also packaging and storage of combustible mixtures known as "Tavern Floor Wax, Sanilac Paste Wax and Mobilwax" (Hard) in three-pound glass jars (capacity of glass jugs and glass jars not in conformity with Administrative Code Specifications), 95107-L.C. |
| 349-43-BZ | H.B.Bx. | 1 East 233rd street, northeast corner of Van Cortlandt Park East (Block 3363, Lots 23 and 18), Borough of The Bronx, N.B. 26-43. |
| 350-43-S | F.D. & H.B.Q. | 37-02 to 37-42 Northern boulevard, south side, 10 ft. east of 39th street (4th floor); (Block 214, Lot 40), Long Island City, Borough of Queens, Decision and M-1638-43. |
| 351-43-A | H.B.B. | 3042 Brighton 7th street, west side, 335 ft. south of Ocean View avenue (Block 7284, Lot 1460), Borough of Brooklyn, Alt. 1932-43. |
| 352-43-S | H.B.Q. | 42-25 Ninth street, east side, 190 ft. north of 43rd avenue (1st, 2nd and 3rd floors); (Block 461, Lot 13), Long Island City, Borough of Queens, Alt. 1038-42. |
| 353-43-A | F.D. | 382-418 Seventh avenue, block bounded by Seventh and Eighth avenues from West 31st to West 33rd streets (Block 781, Lot 1), Borough of Manhattan, 35136-L.C. |
| 354-43-SM | | Olsen Clip System 2-inch Solid Plaster Partition, manufactured by Olsen Products, Inc., Material. |

355-43-S—H.B.Q.—123-07 Liberty avenue, north side, 45 ft. east of 123rd street (Block 9560, Lot 33), Richmond Hill, Borough of Queens, Alt. 304-43.

356-43-SM—Battleship Liquid Asbestos Roof Coating, manufactured by Panther Oil and Grease Manufacturing Co., Material.

357-43-S—F.D.—413-431 Park avenue, 816-822 Kent avenue, northwest corner and 77-83 Taaffe place (Cellar, 1st, 2nd and 3rd floors); (Block 1883, Lots 1-4 and 38-40), Borough of Brooklyn, 10728-L.F.

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359-43-A—H.B.R.—197 York avenue, east side, 150 ft. south of Carlyle street (Block 48, Lot 19), New Brighton, Borough of Richmond, B.N. 204-43.

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DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

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Concrete Flat Slabs, Rules	July	13, 1937—Vol. 22, No. 28
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Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

JULY 20, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 20, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

836-42-BZ—Application of Harry Yahr, applicant and lessee, on behalf of The Gerry Estates, Inc., owner, reopened May 4, 1943, under section 7h of the zoning resolution, to permit in a retail-1 use district, for a term of two years, the parking and storage of more than five motor vehicles (previously denied); premises 108-112 West 41st street, south side, 125 ft. west of Sixth avenue (Block 993, Lot 38), Borough of Manhattan.

31-43-BZ—Application, January 19, 1943, under section 7c of the zoning resolution, of William V. McDevit, applicant, on behalf of Socony-Vacuum Oil Company, Incorporated, owner, to permit in a business use district, the alteration and extension of an existing gasoline service station, to be used as gasoline service station, office, lubritorium and auto laundry; premises 76-88 Grand street extension and 277-283 South 3rd street, southeast corner (Block 2422, Lots 34 and 35), Borough of Brooklyn.

86-43-BZ—Application, February 26, 1943, under section 7h of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Genevieve Marchione, owner, to permit in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises 575-587 East New York avenue, north side, 134 ft. 6 in. west of Kingston avenue (Block 1332, Lots 51 and 54), Borough of Brooklyn.

10-43-BZ—Application, January 5, 1943, under section 7h of the zoning resolution, of William A. Eckert, applicant, on behalf of Estate of Annie Gibney, owner (Title Guarantee and Trust Company, Administrator); (Maple Grove Parking Co., Inc., lessee), to permit partly in a business use and partly in a residence use district, for a term of two years, the parking and storage of more than five motor vehicles; premises 137-52 to 137-70 Queens boulevard and the west side of 85th avenue, between Queens boulevard and 137th street (Block 9650, Lot 31), Jamaica, Borough of Queens.

544-37-BZ—Application of Michael Janicki, applicant and owner, reopened January 26, 1943, under sections 7h and 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the maintenance of an existing garage for five motor vehicles; the parking and storage of more than five motor vehicles for a term of two years and, also, a lumber yard for a term of two years; premises 28-08 25th (Hoyt) avenue, 28-29 Astoria boulevard and west side of 29th street, from 25th avenue to Astoria boulevard (Block 839, Lot 1), Astoria, Borough of Queens.

233-43-BZ—Application, May 17, 1943, under section 21 of the zoning resolution, of Richard A. Kimball, applicant, on behalf of Norman Woolworth, owner, to permit in a residence use and also B area district, the maintenance of a one-story extension which is located in the required rear yard; premises 2-6 East 63rd street, south side, 100 ft. east of Fifth avenue (Block 1377, Lot 66), Borough of Manhattan.

6-43-BZ—Application, January 5, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Minnie Hinderstein, owner, to permit partly in a business use and partly in a residence use district, the parking and storage of more than five motor vehicles; to be operated in conjunction with a gasoline service station upon the same plot; premises 4517-4525 18th avenue, south side, 282 ft. 10½ in. east of 47th street (Block 5439, Lot 23), Borough of Brooklyn.

273-43-BZ—Application, June 4, 1943, under sections 7c and 21 of the zoning resolution, of Lama and Proskauer, applicants, on behalf of East New York Savings Bank, owner, to permit in a residence use district, the conversion of occupancy of a building from marble works to factory (light manufacturing and not contrary to Section 4(a) of the Zoning Resolution); premises 965-967 Hopkinson avenue, east side, 260 ft. south of Lott avenue and 576-578 Bristol street (Block 3623, Lot 19), Borough of Brooklyn.

81-43-BZ—Application, February 24, 1943, under section 7c of the zoning resolution, of Raymond Irrera, applicant, on behalf of Bernhard Burger, owner, to permit in a residence use district, the extension, in area, of an existing factory building; premises 111-59 158th street, east side, 26.29 ft. south of 112th road (Block 12176, Lot 12), Jamaica, Borough of Queens.

Appeals from Administrative Decisions

333-43-A—137-52 to 137-70 Queens boulevard and the west side of Queens boulevard, between Queens boulevard and Van Wyck boulevard (137th street); (Block 9650, Lot 31), Jamaica, Borough of Queens (under section 35, General City Law—re bed of mapped street—Main street).

250-43-A—1600 Stillwell avenue and 1600 McDonald street, southeast corner (Block 4223, Lot 1), Borough of The Bronx.

172-43-A—Super block between Rockaway, Stone, Dumont and Sutter avenues (Brownsville Housing Project); (Blocks 3544 to 3547, inclusive and 3561 to 3564, inclusive), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

JULY 20, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, July 20, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions

284-43-S—699-701 East 135th street, north side, 200 ft. east of Southern boulevard (Block 2564, Lot 67), Borough of The Bronx.

294-43-A—33-55 to 33-81 12th street, 12-01 to 12-19 34th avenue, northeast corner and 33-52 to 33-80 13th street (Block 522, Lot 1), Long Island City, Borough of Queens.

238-43-A—136 Coleridge street, west side, 260 ft. south of Hampton avenue (Block 7516, Lot 1000), Borough of Brooklyn.

230-43-A—42-60 Stewart avenue, east side, from Harrison place to Ingraham street (Block 3001, Lot 1), Borough of Brooklyn.

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214-43-A—137-139 East 25th street, north side, 79.10 ft. east of Lexington avenue and 138 East 26th street (3rd floor); (Block 881, Lot 29), Borough of Manhattan.

476-42-A—2553-2563 Atlantic avenue and 30-48 Alabama avenue, northwest corner (Block 3666, Lot 31), Borough of Brooklyn.

319-43-S—515-521 Greenwich street and 309-317 Spring street, northeast corner (2nd and 5th floors); (Block 597, Lot 1), Borough of Manhattan.

240-43-A—30 Little Clove road, south side, 240 ft. west of Clove road (Block 836-A, Lot 1), West Brighton, Borough of Richmond.

5-43-A—444 West 259th street, south side, 160 ft. east of Riverdale avenue (Blocks 3423-A and 3423-B, parts of Lot 140), Borough of The Bronx (under section 35, General City Law—re bed of mapped street—Delafield avenue).

270-43-A—351-353 West 14th street, north side, 66 ft. east of Ninth avenue and 362-364 West 15th street (Block 738, Lot 8), Borough of Manhattan.

851-42-A—1419-1427 Sheepshead Bay road and 2600-2616 East 15th street, northwest corner (Block 7459, Lot 7), Borough of Brooklyn.

265-43-A—148-18 89th avenue, south side, 160 ft. east of 148th street (Block 9681, Lot 58), Jamaica, Borough of Queens.

342-43-S—135-137 Cedar street, north side, 82 ft. 9¾ in. west of Greenwich street (Block 54, Lot 13), Borough of Manhattan.

299-43-A—145-165 Wolcott street, south side, 125 ft. west of Conover street (Block 574, Lot 12), Borough of Brooklyn.

809-42-A—37-11 22nd street, east side, 100 ft. southeast of 37th avenue (Block 365, Lot 10), Long Island City, Borough of Queens.

70-43-A—745-747 (749-751 displayed) Van Sinderen avenue, east side, 140 ft. north of Linden boulevard (Block 3865, Lot 9), Borough of Brooklyn.

119-43-A—735-745 (739-749 displayed) Van Sinderen avenue, east side, 140 ft. north of Linden boulevard (Block 3865A, Lot 9), Borough of Brooklyn.

134-43-A—1011-1013 Beach 20th street (rear), west side, 102 ft. north of Cornaga avenue and 1018-1020 Beach 21st street, east side, 143 ft. 6 in. north of Cornaga avenue (Block 212, Lots 1 and 9), Far Rockaway, Borough of Queens.

293-43-A—121-151 Flatbush avenue, east side, from Hanson place to Atlantic avenue and 2-27 Hanson place (Block 2001, Lot 1), Borough of Brooklyn.

325-43-S—513-517 Madison avenue and 35-41 East 53rd street, northeast corner (Block 1289, Lot 21), Borough of Manhattan.

441-42-S—36-20 to 36-46 33rd street and 32-50 37th avenue, southwest corner (Block 601, Lot 1), Long Island City, Borough of Queens.

850-42-A—71 Grape street, south side, 67 ft. west of Tangerine street (Block 4321, Lot 255), South Jamaica, Borough of Queens (under section 36, General City Law—re building does not face on a legal street—Grape street, also under Section 35, General City Law—re bed of mapped street—Farmers boulevard).

298-43-S—2084 Boston road and 2061 Bronx street, west side, 142.23 ft. north of East 179th street (Block 3140, Lot 7), Borough of The Bronx.

302-43-A—48-20 30th street, northeast corner of Hunterspoint avenue (Block 115, Lot 201), Long Island City, Borough of Queens.

78-43-A—300 Pacific street, south side, 250 ft. east of Smith street (Block 188, Lot 20), Borough of Brooklyn.

158-43-A—1232 72nd street, south side, 237 ft. east of 12th avenue (Block 6188, Lot 17), Borough of Brooklyn.

823-42-A—3860-3868 Tenth avenue and 500 West 207th street, southwest corner (Block 2217, Lot 21), Borough of Manhattan.

755-42-A—1910 Hennessy place, east side, 106.14 ft. north of West Burnside avenue (Block 3228, Lot 81), Borough of The Bronx.

31-42-S—189 Bowery, east side, 75 ft. 4 in. north of Delancey street (Block 425, Lot 4), Borough of Manhattan.

43-43-A—121-127 West 46th street, north side, 275 ft. west of Sixth avenue (Block 999, Lot 19), Borough of Manhattan.

47-43-A—3064 Brighton 4th street, west side, 124 ft. north of Brighton Beach avenue (Block 7284, Lot 1260), Borough of Brooklyn.

169-43-S—51-55 Nassau avenue and 68-74 Guernsey street, northeast corner (Block 2644, Lot 45), Borough of Brooklyn.

828-42-A—155-22 Broad street, west side, 300 ft. south of Rockaway boulevard (Block 15725, Lots 109 and 110), Hook Creek, Borough of Queens.

884-42-A—47-16 Austel (Amstel) place, west side, 140 ft. south of Skillman avenue and 47-52 27th street (Block 98, Lots 30 and 42), Long Island City, Borough of Queens.

329-43-A—100-05 to 100-09 Queens boulevard, northeast corner of 67th avenue (Block 2119, part of Lot 1), Forest Hills, Borough of Queens.

516-42-A—47-19 Grand avenue, entire area bounded by Grand avenue, Page place, 56th road, Newtown and Maspeth Creeks (Block 2600, Lot 200); (Office Building), Maspeth, Borough of Queens.

517-42-A—47-19 Grand avenue, entire area bounded by Grand avenue, Page place, 56th road, Newtown and Maspeth Creeks (Block 2600, Lot 200); (Laboratory Building), Maspeth, Borough of Queens.

518-42-A—47-19 Grand avenue, entire area bounded by Grand avenue, Page place, 56th road, Newtown and Maspeth Creeks (Block 2600, Lot 200), (Wash Room Building), Maspeth, Borough of Queens.

Appliance for Approval.

179-43-SM—Protectowire (Heat Sensitive Cable).

HARRIS H. MURDOCK, *Chairman.*

JULY 27, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 27, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

CALENDAR

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

129-43-BZ—Application, March 25, 1943, under section 21 of the zoning resolution, of Jack Z. Cohen, applicant, on behalf of Robert B. Allport, owner, to permit in a residence use district, the erection and maintenance of a building for use as an office and storage and sale of used and new building materials, including structural iron and steel; premises 327-349 Withers street and 62-68 Debevoise avenue, northeast corner (Block 2868, Lot 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman*.

JULY 27, 1943, 2 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon, July 27, 1943*, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions.

186-43-A—154 Pilot street, north and south sides, between City Island avenue and Long Island Sound (Block 5640, Lot 18 and Block 5641, Lot 90), Borough of The Bronx.

873-42-A—240 Kent avenue, southeast corner of North 1st street (Block 2377, Lot 11), Borough of Brooklyn.

910-39-A—107-111 Myrtle avenue, north side, 21 ft. west of Bridge street (Block 143, Lot 30), Borough of Brooklyn (reopened July 13, 1943).

26-43-S—466-468 Broome street and 56 Greene street, northeast corner (Block 485, Lot 40), Borough of Manhattan.

278-43-A—Re transportation of liquefied petroleum gas known as "Propane" in tank truck in New York City (capacity of tank truck not in conformity with Administrative Code Specifications governing tank trucks).

358-43-A—84-20 72nd drive (Right-of-way) south side, 206.41 ft. west of 88th street (Block 3837, Lot 6), Glendale, Borough of Queens (under section 36, General City Law—re building required to face a legal street).

Materials for Approval.

842-42-SM—Corbin Automatic Exit Fixtures or Panic Bolts.

66-43-SM—Corbin Panic Bolt (Rim Type Automatic Exit Fixture No. 2585).

HARRIS H. MURDOCK, *Chairman*.

SEPTEMBER 14, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon, September 14, 1943*, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters.

Appeals from Administrative Decisions.

746-42-A—241 West 72nd street, north side, 280 ft. 5½ in. west of Broadway (Block 1164, Lot 15), Borough of Manhattan.

267-43-A—Re packaging of combustible mixture, known as "Neptune Waterproof Belt Cement," in one-quart and one-pint glass bottles (capacity of glass bottles not in conformity with Administrative Code Specifications).

HARRIS H. MURDOCK, *Chairman*.

SEPTEMBER 21, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon, September 21, 1943*, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Appeal from Administrative Decision.

191-43-A—15 West 77th street and Central Park West at 79th street (Block 1130, Lot 1), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman*.

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BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, JULY 13, 1943

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

The minutes of the regular meetings of the Board held on Tuesday morning, June 29, 1943 and Tuesday afternoon, June 29, 1943, and the minutes of the Special Meeting of the Board held on Friday morning, July 9, 1943, were approved as printed in Bulletin No. 27, Volume 28.

ZONING CASES

10-43-BZ

APPLICANT—William A. Eckert, for Estate of Annie Gibney, owner (Title Guarantee and Trust Company, administrator); (Maple Grove Parking Company, Inc., lessee).

SUBJECT—Application (decision of the acting borough superintendent) under section 7h of the zoning resolution, to permit partly in a business use and partly in a residence use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—137-52 to 137-70 Queens boulevard and the west side of 85th avenue between Queens boulevard and 137th street (Block 9650, Lot 31), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Arthur W. Renander.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to July 20, 1943 at 10 A.M. Applicant to correct plans.

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1481-22-BZ

APPLICANT—A.S.G. Construction Corp., owner.

SUBJECT—Application reopened June 8, 1943 (decision of the acting borough superintendent) under section 21 of the zoning resolution, to permit in a residence use district, for an additional term of five years, the continuance of the maintenance of a restaurant on the first story of an existing building (previously granted by the Board for a term of five years).

PREMISES AFFECTED—8502-8518 Fourth avenue, southwest corner of 85th street (Block 6034, Lot 41), Borough of Brooklyn.

APPEARANCES—

For Applicant: Albert J. Appell.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Permit extended.

THE VOTE TO EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (1481-22-BZ)

WHEREAS, this application, permitting in a residence use district, the erection and maintenance of a building to be occupied in part for business purposes, affecting premises 8502-8518 Fourth avenue, southwest corner of 85th street (Block 6034, Lot 41), Borough of Brooklyn, was granted by the Board on February 20, 1923, on certain conditions, resolution amended on January 6, 1925 and on June 14, 1938 and the applicant requested an extension of the permit; and

WHEREAS, this application was reopened by vote of the Board on June 8, 1943, and set for hearing July 13, 1943; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting July 13, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted by the Board on June 14, 1938, only in so far as it has reference to the term of the variance, so that as amended, this portion of the resolution shall read:

"Granted for a term of five (5) years from the date of this *amended* resolution, *on condition* . . ."

6-36-BZ

APPLICANT—Samuel Gardstein, for Utico, Incorporated, owner.

SUBJECT—Application reopened May 18, 1943 (decision of the borough superintendent) under sections 7c and 21 of the zoning resolution, to permit in a business use district, the extension in area and conversion of occupancy of a building previously granted by the Board as a motor vehicle repair shop, limited exclusively to automobile spring work, so as to include an iron works (open hearth forge work for marine work for the U. S. Navy); the proposed one-story extension, 30 ft. by 60 ft. in area, is to be located upon the plot on which there now exists a gasoline service station—which also was previously granted by the Board.

PREMISES AFFECTED—5001-5011 Farragut road and 1429-1435 (1431 displayed) Utica avenue, northeast corner (Block 4785, Lot 46), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel Gardstein and Henry Streisfeld.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (6-36-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in a business use district, the erection and maintenance of a motor vehicle repair shop and also a gasoline service station, affecting premises 5001-5011 Farragut road and 1429-1435 Utica avenue, northeast corner (Block 4785, Lots 46 and 48), Borough of Brooklyn, was granted by the Board on March 10, 1936, on certain conditions, resolution amended on September 19, 1939 and the applicant requested a further amendment of the resolution; and

WHEREAS, this application was reopened by vote of the Board on May 18, 1943, subject to usual procedure; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting on July 13, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that Utica avenue is in business and unrestricted use districts; East 51st street is in an unrestricted use district and Farragut road is in business and unrestricted use districts; and

WHEREAS, the decision of the borough superintendent, re Alt. Applic. 275-43, dated April 13, 1943, reads:

"1. As the present occupancy, manufacturing and installation of auto springs, was approved by the Board of Standards and Appeals under resolution 6/36 B.Z. dated March 10, 1936, proposed extension of the above mentioned use e.g. manufacturing and installation of auto springs and in addition an iron works (open hearth forge shop) by the erection of a one-story brick extension on the site of the present gasoline station, is contrary to Art. II, Sec. 4 (a) of the zoning resolution and is referred to the Board for consideration. *Denied.*"

and

WHEREAS, the applicant states that the premises consist of a plot having a frontage on Farragut road of 100 ft. and on Utica avenue 60 ft.; that upon the westerly portion of plot is a gasoline service station, having a frontage of 60 ft. on Utica avenue and 30 ft. on Farragut road; that upon the remainder of plot is a one-story Class 3 building, 70 ft. by 60 ft. in area, occupied as a motor vehicle repair shop, limited exclusively to automobile spring work; that the gasoline service station and motor vehicle repair shop use was previously granted by the Board and it is proposed to increase the area of the building by the erection of a one-story, Class 3 extension, 30 ft. by 60 ft. in area; that it is further proposed to use the building as extended, as a motor vehicle repair shop, limited exclusively to automobile spring work and also as an iron works (open hearth forge work for the U. S. Navy); that the proposed extension is to be located upon the area previously granted by the Board for use as a gasoline service station and that the gasoline service station use is to be abandoned.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of March 10, 1936, as amended September 19, 1939, by adding thereto:

"that in the event the owner desires to discontinue the occupancy of the premises as a gasoline service station, but desires to continue the use of the existing building as hereinbefore permitted and to add thereto an extension to the building line of Utica avenue, substantially as indicated on plans filed with the borough superintendent under Alt. Applic. 275-43 and to use the entire building as proposed for automobile spring work and iron works, such substitute use may be permitted and the extension proposed constructed, *on condition* that the entire building shall not be increased in height or area, that the extension shall be designed and

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arranged substantially as indicated on plans marked 'Received May 5, 1943'; that all motor vehicle entrances to the building shall be confined to Farragut road; that no roof signs shall be erected; that any signs erected shall be of a permanent type and attached to the facade of the building advertising the use therein and not extending beyond the building line; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that a new certificate of occupancy shall be obtained, upon completion; that all permits shall be obtained and all work completed within one (1) year from the date of this *amended* resolution."

490-37-BZ

APPLICANT—Bernhard Erk, for Estate of J. Romaine Brown, owner.

SUBJECT—Application reopened June 22, 1943 for consideration as to extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a temporary term of two years, the storage and parking of more than five motor vehicles.

PREMISES AFFECTED—246 Nagle avenue, southwest corner of West 204th street (Block 2218, Lot 25), Borough of Manhattan.

APPEARANCES—
For Applicant: Bernhard Erk.
For Opposition: None.
For Administration: Fred Dahlem, Dep't. of Housing and Buildings.

ACTION OF BOARD—Permit extended.

THE VOTE TO EXTEND PERMIT—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (490-37-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district, the parking and storage of more than five motor vehicles, for a temporary term of two years, affecting premises 246 Nagle avenue, southwest corner of West 204th street (Block 2218, Lot 25), Borough of Manhattan, was granted by the Board on October 25, 1938, on certain conditions, time extended on January 17, 1939, permit extended on November 19, 1940 and the applicant requested a further extension of the permit; and

WHEREAS, this application was reopened by vote of the Board on June 22, 1943 and set for hearing July 13, 1943; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, July 13, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of October 25, 1938, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h for a temporary term of two (2) years from the date of this *amended* resolution to permit. . ."

91-43-BZ

APPLICANT—Lama and Proskauer, for Cono Innamorato, owner.

SUBJECT—Application (decision of the borough superintendent) under section 7e of the zoning resolution, to permit in a business use district, for a term of two years, the conversion of occupancy of an existing building to a junk shop.

PREMISES AFFECTED—279 (287 displayed) Frost street, north side, 190 ft. west of Debevoise avenue (Block 2858, part of Lots 29 and 33), Borough of Brooklyn.

APPEARANCES—
For Applicant: Alfred A. Lama.
For Opposition: None.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (91-43-BZ)

WHEREAS, Lama and Proskauer, for Cono Innamorato, owner, filed March 3, 1943, an application under section 7e of the zoning resolution, to permit in a business use district, for a term of two years, the conversion of occupancy of an existing building to a junk shop; premises 279 (287 displayed) Frost street, north side, 190 ft. west of Debevoise avenue (Block 2858, part of Lots 29 and 33); Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting July 13, 1943 after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that Frost street is in a business and retail use district; Richardson street is in a manufacturing and business use district; Kingsland avenue is in a business and retail use district and Debevoise avenue is in a manufacturing, business and retail use district; and

WHEREAS, the decision of the borough superintendent on B. N. Applic. 155-43, dated February 26, 1943, reads:

"1. Use of present two story brick building as a junk shop is contrary to Art. II, §4(20) of the zoning resolution, as this use is prohibited in a business use district."

and

WHEREAS, the applicant states that the existing building is two (2) stories in height and 80 ft. in depth with a frontage of 25 ft.; of Class 3 construction and that it is proposed to use the existing building, for a term of two (2) years, as a junk shop; and

WHEREAS, the premises and surrounding area. were inspected by a committee of the Board; and

WHEREAS, the Board deemed that this was a proper case in which to exercise discretion to grant under section 7, subdivision e, of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution, and that the application be and it hereby is granted under section 7e thereof, for a term of two years, *on condition* that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that the building shall not be increased in height or area; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that all permits shall be obtained and all work completed within six (6) months from the date of this resolution.

97-43-BZ

APPLICANT—George H. Cohn, for Crew Levick Corporation, owner (Morris Smith, lessee).

SUBJECT—Application (decision of the borough superintendent) under section 7c of the zoning resolution, to permit partly in a business use and partly in a residence use district, the extension of an existing gasoline service station and also the inclusion of the use of parking and storage of more than five motor vehicles.

PREMISES AFFECTED—1775-1785 59th street and 5814-5824 18th avenue, northwest corner (Block 5504, Lots 43 and 45), Borough of Brooklyn.

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APPEARANCES—

For Applicant: Martin D. Eile.
For Opposition: None.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative 0
Negative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4

THE RESOLUTION (97-43-BZ)

WHEREAS, George H. Cohn, for Crew Levick Corporation, owner (Morris Smith, lessee), filed March 5, 1943, an application under section 7c of the zoning resolution, to permit partly in a business use and partly in a residence use district, the extension of an existing gasoline service station and also the inclusion of the use of parking and storage of more than five motor vehicles; premises, 1775-1785 59th street and 5814-5824 18th avenue, northwest corner (Block 5504, Lots 43 and 45), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting, July 13, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that 18th avenue is in a business use district; 59th and 58th streets are each in both residence and business use districts; and

WHEREAS, the decision of the borough superintendent, re B. N. Applic. 100-43, dated February 11, 1943 and as amended April 21, 1943, reads:

"Proposed extension of existing gasoline station and to include parking & storage of more than 5 cars, to within a business & residential use district, is contrary to Art. 2 Sect. 4a-15 & Art. 2 Sect. 3 of the Zoning Resolution. *Denied.*"

and

WHEREAS, the applicant states that the premises consist of a plot having a frontage of 100 ft. on 18th avenue and approximately 105 ft. on 59th street; that the westerly portion of the plot extends into the residence use district for a distance of approximately 5 ft.; that the remainder of the plot is in a business use district; that the southerly portion, having a frontage of 60 ft. on 18th avenue and 105 ft. on 59th street, is occupied as a gasoline service station and that it is proposed to extend the area of the gasoline station by the inclusion of a plot having a frontage of 40 ft. on 18th avenue and a distance of 102 ft. 4 in. along the northerly lot line; that it is proposed also, to use a portion of the premises, as shown on filed plans, for parking and storage of more than five (5) motor vehicles; and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that there was no justification for the exercise of its discretion to grant a zoning variance under section 7, subdivision c, of the zoning resolution for extension of the use of the plot for gasoline station and parking and storage of more than five (5) motor vehicles.

Resolved, that the decision of the borough superintendent dated February 11, 1943 as amended April 21, 1943 on B. N. Applic. 100-43 be and it hereby is *affirmed* and that the application be and it hereby is *denied*.

227-43-BZ

APPLICANT—Jeffroy J. Lewin, for Long Island Savings Bank, owner.

SUBJECT—Application (decision of the acting borough superintendent) under sections 7a, 7c and 21 of the zoning resolution, to permit in a residence use district, the conversion of occupancy of an existing building occupied as a garage for more than five motor vehicles to a factory for the manufacture and distribution of linen supplies.

PREMISES AFFECTED—31-35 41st street, east side, 350 ft. south of 31st avenue (Block 679, Lot 27), Astoria, Borough of Queens.

APPEARANCES—

For Applicant: Jeffroy J. Lewin.
For Opposition: Sidney Snyderman, Helene Hohensee, Mrs. E. A. Behnke, Mrs. Brunicke, Mrs. Kurnyk and others.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative 0
Negative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4

THE RESOLUTION (227-43-BZ).

WHEREAS, Jeffroy L. Lewin, for Long Island City Savings Bank, owner, filed May 14, 1943, an application under sections 7A, 7c and 21 of the zoning resolution, to permit in a residence use district, the conversion of occupancy of an existing building occupied as a garage for more than five (5) motor vehicles to a factory for the manufacture and distribution of linen supplies; premises 31-35 41st street, east side, 350 ft. south of 31st avenue (Block 679, Lot 27), Astoria, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting on July 13, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that 41st street is in a residence and business use district; 42nd street is in a residence and business use district and 31st avenue is in a business use district; and

WHEREAS, the decision of the borough superintendent, re Alt. Applic. 181-43, dated April 26, 1943, as amended June 14, 1943 reads:

"1. Changing the use of premises now located in a residence use district, from a garage for more than five motor vehicles in cellar and first floor, to factory operations, consisting of manufacturing, sorting, stocking and distribution of linen supplies, is contrary to Art. 2, Sec. 3 and 6 of the Building Zone Resolution. Not further considered."

and

WHEREAS, the applicant states that the existing building is of Class 3 construction, one story and cellar in height, having a frontage of 26 ft. and a depth of 65 ft. and that it is proposed to convert the occupancy of the existing building, occupied as a garage for more than five (5) motor vehicles, to a factory for the manufacture, storage and distribution of linen supplies; and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that there was no justification for the exercise of its discretion to grant a zoning variance under section 7, subdivisions A and c of the zoning resolution, for use of the plot and building the business and factory use proposed and that the applicant failed to substantiate a basis to warrant exercise of discretion to grant under section 21 of the zoning resolution and is therefore not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the borough superintendent, re Alt. Applic. 181-43, dated April 26, 1943, as amended June 14, 1943, be and it hereby is *affirmed* and that the application be and it hereby is *denied*.

280-43-BZ

APPLICANT—Koch and Wagner, for Bohack Realty Corporation, owner.

SUBJECT—Application (decision of the acting borough superintendent) under sections 7b and 7c of the zoning resolution, to permit the extension from a business use district into a residence use district, of a proposed one-story addition to an existing business building (stores).

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PREMISES AFFECTED—81-25 to 81-31 Lefferts avenue (boulevard), east side, 100.38 ft. north of Cuthbert (place) road (Block 3338, Lot 6), Kew Gardens, Borough of Queens.

APPEARANCES—

For Applicant: Herbert A. Birrell and Arthur R. Koch.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (280-43-BZ)

WHEREAS, Koch and Wagner, for Bohack Realty Corporation, owner, filed on June 8, 1943, an application under sections 7b and 7c of the zoning resolution, to permit the extension from a business use district into a residence use district, of a proposed one-story addition to an existing business building (stores): premises 81-25 to 81-31 Lefferts avenue (boulevard), east side, 100.38 ft. north of Cuthbert (place) road (Block 3338, Lot 6), Kew Gardens, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting July 13, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that Lefferts avenue is in a business use district; Cuthbert place is in a residence and business use district; Grenfell avenue is in a business use district; and Austin street is in a business and residence use district; and

WHEREAS, the decision of the borough superintendent on Alt. Applic. 683-43, dated June 2, 1943, reads:

"1. Extending a store into a residence use zone is contrary to Art. II, Sec. 3, B.Z.R."

and

WHEREAS, the applicant states that the premises consist of an irregular shaped plot of ground having a frontage of 95 ft. on Lefferts avenue; a distance of 126 ft. along the southerly lot line; 34 ft. along the easterly lot line and 114 ft. along the northerly lot line; that the easterly portion of the plot extends for a maximum distance of 25 ft. into a residence use district—the remainder of the plot is in a business use district; that upon the Lefferts avenue frontage of the plot, there is located a one-story brick building having a depth of 78 ft. and occupied as five stores; that the stores indicated at No. 3 and No. 4 on the plans filed with this application are used, also, for dwelling use; that it is proposed to remove the partitions in and also to remove the rear wall of the three (3) southerly stores; to erect a one-story brick extension, 39 ft. 3 in. by 35 ft. deep, at the rear of these stores and to combine these three (3) stores, as extended, into one large store; that it is proposed also to provide a cellar under the proposed extension and to provide a passageway from this cellar to the existing cellars at the front part of the building; that the proposed extension extends for a maximum distance of 20 ft. 10 in. into a residence use district and the remainder of the extension is in a business use district; that the applicant has filed a Certificate of Occupancy 2311, dated September 24, 1921, for store and dwelling use; and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that this was a proper case in which to exercise discretion to grant under section 7, subdivision c, of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulations of the zoning resolution, and that the application be and it hereby is granted under section 7c thereof, to permit the extension as proposed, on condition that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

637-39-BZ

APPLICANT—J. G. L. Molloy, for Shell Oil Co., Inc., owner.

SUBJECT—Application for consideration—reopening and amendment to resolution (decision of the acting borough superintendent) under sections 7f and 7c of the zoning resolution, to permit, in a residence use district, for a term of years, the parking of more than five motor vehicles, upon part of an existing gasoline service station—which gasoline service station was previously granted by the Board.

PREMISES AFFECTED—63-56 Austin street and 9139 63rd drive, southwest corner (Block 3103, Lot 43), Rego Park, Borough of Queens.

APPEARANCES—

For Applicant: J. G. L. Molloy.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

767-28-BZ

APPLICANT—William Farrell, for Estate of Harriet C. Bailey, owner (Anna Bailey Smith, executrix); (Richard Kapf, lessee).

SUBJECT—Application for consideration—reopening and amendment to resolution—(decision of the acting borough superintendent) to permit in a business use district, the occupancy of existing building as a milk distributing station (previously granted by the Board, under section 21 of the zoning resolution, re erection and maintenance of a gasoline service station).

PREMISES AFFECTED—279-285 East 233rd street, north side, 90.43 ft. west of Katonah avenue (Block 3374, Lot 1), Borough of The Bronx.

APPEARANCES—

For Applicant: William Farrell.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (767-28-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in a business use district, the erection and maintenance of a gasoline service station, affecting premises 279-285 East 233rd street, north side, 90.43 ft. west of Katonah avenue (Block 3374 part of Lot 29), Borough of The Bronx, was granted by the Board on December 7, 1928, on certain conditions, resolution amended on May 28, 1929 and the applicant requested a further amendment of the resolution.

Resolved, that that Board of Standards and Appeals does hereby amend its resolution adopted December 7, 1928, as amended May 28, 1928, by adding thereto:

"that in the event the gasoline station use hereinbefore permitted is entirely abandoned and the owner desires to occupy the building formerly occupied as an office for the gasoline station for the storage of bottled milk in connection with a single route for distribution, such use may be substituted during the term of the present emergency, on condition that the building shall not be increased in height or area and that no additional building shall be erected or other use established on the plot."

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872-28-BZ

APPLICANT—J. C. Murphy, for 2311 Grand Concourse Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment to resolution—Application (decision of the commissioner of buildings) previously granted on condition, under section 21 of the zoning resolution, permitting partly in a business use and partly in a residence use district, the alteration and reconstruction of a portion of stores (previously granted by the Board) into a motion picture theatre.

PREMISES AFFECTED—2311 Grand Concourse, northwest corner of East 183rd street (Block 3164, Lot 31), Borough of The Bronx.

APPEARANCES—

For Applicant: J. C. Murphy and M. Loewry.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (872-28-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in a residence use district, the erection and maintenance of a business building (stores), affecting premises 2311 Grand Concourse, northwest corner of East 183rd street (Block 3164, Lot 31), Borough of The Bronx, was granted by the Board on April 2, 1929, on certain conditions, time extended on January 28, 1930, resolution amended on May 7, 1935 and the applicant requested a further amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted April 2, 1929, as amended by resolution adopted May 7, 1935, by adding thereto:

"that the sign herein permitted shall not exceed the height or distance from the building line as shown on plans marked 'Received July 9, 1943'."

34-35-BZ

APPLICANT—Irving M. Fenichel, for Ken-Isle, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment to resolution—Application (decision of the borough superintendent) previously granted on condition, under section 7a of the zoning resolution, permitting on a plot of ground, located in a business use and residence use district, on which is located a dry cleaning and dyeing establishment, the erection of an extension to the dry cleaning and dyeing buildings, a garage for more than five motor vehicles and the erection of an additional dyeing and dry cleaning building and accessory tanks, etc.

PREMISES AFFECTED—17-45 to 18-05 Clintonville street (formerly 18-05 11th avenue), east side, 800 ft. south of Locke avenue (Block 4729, Lot 46, Block 4732, Lot 9 and Blocks 4746 and 4747, Lots 1), Whitestone, Borough of Queens.

APPEARANCES—

For Applicant: Irving M. Fenichel.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (34-35-BZ)

WHEREAS, this application affecting premises 18-05 11th avenue (Cross Island boulevard), east side, 800 ft. south of Locke avenue (Block 4729, Lot 46, Block 4732, Lot 9, and Blocks 4746 and 4747, Lots 1), Whitestone, Borough of Queens, was granted by the Board June 11, 1935, on certain conditions, time to complete work extended June 30, 1936, resolution amended January 30, 1940 and February 9, 1943 and the applicant requested a further amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted on June 11, 1935, as amended by resolution adopted February 9, 1943, by adding thereto:

"that in the event the owner desires to construct in conjunction with the coal bunker hereinbefore permitted, a hopper and spiral conveyor substantially as indicated on revised plans marked 'Received June 3, 1943,' such additions may be permitted and the portions constructed of wood as shown, provided the entire exterior of the proposed bunker and conveyor enclosures are surfaced on the exterior with asbestos shingles; that this additional variance is granted only for the term of the present emergency and for six (6) months thereafter."

315-41-BZ

APPLICANT—Frank C. Keller, for Anna S. Rabe, owner (Rabe Bros., lessee).

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7e of the zoning resolution, permitting in a residence use district, the maintenance of a garage for three (3) commercial motor vehicles.

PREMISES AFFECTED—164-44 75th road, south side, 96 ft. 7 in. west of 166th street (Block 6967, Lot 43), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Frank C. Keller.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (315-41-BZ)

WHEREAS, this application under section 7e of the zoning resolution, permitting in a residence use district, the maintenance of a garage for three commercial motor vehicles, affecting premises 164-44 75th road, south side, 96 ft. 7 in. west of 166th street (Block 6967, Lot 43), Flushing, Borough of Queens, was granted by the Board on July 1, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted July 1, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"... granted for a term of two (2) years from the date of this amended resolution, to permit, etc."

578-41-BZ

APPLICANT—Hazeltine Service Corporation, owner (now known as Hazeltine Electronics Corporation).

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under sections 7e and 21 of the zoning resolution, permitting for a temporary term of two years, in an F area and also on the residence portion

MINUTES

of a plot, located partly in a business use and partly in a residence use district, the erection and maintenance of a factory building, a driveway to the said building, and also omission of the required rear yard.

PREMISES AFFECTED—58-25 Little Neck parkway, east side, 382.57 ft. south of 58th avenue (Block 8400, Lot 134), Little Neck, Borough of Queens.

APPEARANCES—

For Applicant: Frank L. Giusti.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (578-41-BZ)

WHEREAS, this application under sections 7e and 21 of the zoning resolution, permitting for a temporary term of two years, in an F area and also on the residence portion of the plot, located partly in a business and partly in a residence use district, the erection and maintenance of a factory building, a driveway to the said building, and also the omission of the required rear yard, affecting premises 58-25 Little Neck parkway, east side, 382.57 ft. south of 58th avenue (Block 8400, Lot 134), Little Neck, Borough of Queens, was granted by the Board on July 15, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 15, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7c for a temporary term of two (2) years from the date of this *amended* resolution, to permit the one-story building located as proposed . . ."

536-42-BZ

APPLICANT—Sidney L. Strauss, for General Bronze Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the borough superintendent) previously granted on condition, under section 7c of the zoning resolution, permitting in a business use district, the erection and maintenance of a building to be used for metal manufacturing.

PREMISES AFFECTED—34-12 10th street, west side, 73.02 ft. south of 34th avenue (Block 324, Lots 32 to 45, inclusive), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Sidney L. Strauss.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (536-42-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting in a business use district, the erection and maintenance of a building to be used for metal manufacturing, affecting premises 34-12 10th street, west side, 73.02 ft. south of 34th avenue (Block 324, Lots 32 to 45, inclusive), Long Island City, Borough of Queens, was granted by the Board on July 28, 1942, on certain conditions and the applicant requested an extension of time to obtain permits and complete the work; and

WHEREAS, the applicant has stated that the plot has been leveled, the old buildings removed, a wire fence erected on the building line and new wood fences on the side and rear lot lines.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 28, 1942, only in so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that all permits shall be obtained and all work completed within one (1) year from the date of this *amended* resolution."

577-42-BZ

APPLICANT—George H. Cohn, for Crew Levick Corporation, owner.

SUBJECT—Application for consideration—reopening, amendment and extension of time to complete work—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting partly in a business use and partly in a residence use district, for a term of two years, the parking or storage of more than five motor vehicles.

PREMISES AFFECTED—1 Bay Ridge avenue and 6833 Shore road, northeast corner (Block 5859, Lots 10 and 12), Borough of Brooklyn.

APPEARANCES—

For Applicant: Martin D. Eile.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (577-42-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting partly in a business and partly in a residence use district, the parking and storage of more than five motor vehicles for a temporary term of two years, affecting premises 1 Bay Ridge avenue and 6833 Shore road, northeast corner (Block 5859, Lots 10 and 12), Borough of Brooklyn, was granted by the Board on January 12, 1943, on certain conditions and the applicant requested an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted January 12, 1943, so that as amended, this portion of the resolution shall read:

"that all permits required and a certificate of occupancy shall be obtained and all work completed within three (3) months from the date of this *amended* resolution."

890-42-BZ

APPLICANT—William V. McDevit, for Socony-Vacuum Oil Company, Incorporated, owner.

SUBJECT—Application for approval of plans—Application (decision of the borough superintendent) previously granted on condition, under section 7c of the zoning resolution, permitting partly in a business use and partly in an unrestricted use district, the alteration and extension of an accessory building (used as office, lubricatory, car washing, brakes and repairs) located upon a plot occupied as a gasoline service station and also upon the unrestricted use portion of the plot used for parking more than five motor vehicles.

PREMISES AFFECTED—378-394 Coney Island avenue, 86-90 Kermit place, southwest corner and 843-849 Caton avenue, northwest corner (Block 5322, Lots 80 and 84); (Lot 84 was formerly Lots 84 and 85), Borough of Brooklyn.

MINUTES

APPEARANCES—

For Applicant: William V. McDevit.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Plans approved.

THE VOTE TO APPROVE PLANS—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (890-42-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting partly in a business and partly in an unrestricted use district, the alteration and extension of an accessory building, located upon a plot occupied as a gasoline service station and also upon the unrestricted use portion of the plot used for parking of more than five motor vehicles, affecting premises 378-394 Coney Island avenue, 86-90 Kermit place, southwest corner and 843-849 Caton avenue, northwest corner (Block 5322, Lots 80 and 84), Borough of Brooklyn, was granted by the Board on April 27, 1943, on certain conditions and the applicant requested an approval of plans.

Resolved, that the Board of Standards and Appeals does hereby approve the plans marked "Received July 10, 1943," as being in substantial compliance with the resolution adopted by the Board on April 27, 1943.

APPEALS FROM ADMINISTRATIVE DECISIONS

333-43-A

APPLICANT—William A. Eckert, for Estate of Annie Gibney, owner (Title Guarantee and Trust Company, Administrators); (Maple Grove Parking Co., Inc., lessee).

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—137-52 to 137-70 Queens boulevard and the west side of 85th avenue, between Queens boulevard and Van Wyck boulevard (137th street); (Block 9650, Lot 31), Jamaica, Borough of Queens (under section 35, General City Law—re bed of mapped street—Main street).

APPEARANCES—

For Applicant: Arthur W. Renander.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to July 20, 1943 at 10 A. M.

579-41-A

APPLICANT—Hazeltime Service Corporation, owner (now known as Hazeltime Electronics Corporation).

SUBJECT—Application for consideration—reopening and extension of permit—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—58-25 Little Neck parkway, east side, 382.57 ft. south of 58th avenue (Block 8400, Lot 134), Little Neck, Borough of Queens.

APPEARANCES—

For Applicant: Frank L. Giusti.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (579-41-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 58-25 Little Neck parkway, east side, 382.57 ft. south of 58th avenue (Block 8400, Lot 134), Little Neck, Borough of Queens, was granted by

the Board on July 15, 1941, on certain conditions and the applicant requested extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of July 15, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"that this variance shall continue for a term of two (2) years from the date of this amended resolution. . ."

Adjourned: 12 M.

JOSEPH J. DOYLE, Chief Clerk.

REGULAR MEETING

TUESDAY AFTERNOON, JULY 13, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

ZONING CASES

322-19-BZ

APPLICANT—George Dress, for Jacob Hoffman Brewing Co., owner (Samuel H. Lichenstein, lessee).

SUBJECT—Application for consideration, reopening and amendment to resolution—(decision of the borough superintendent) to permit in a business use district, the conversion of the 2nd floor of an existing garage building for more than five motor vehicles (previously granted by the Board) to a factory for the manufacture of exhibits of wood, metal and plastics for the duration of the war.

PREMISES AFFECTED—215-221 East 54th street, north side, 285 ft. east of Third avenue (Block 1328, Lot 9), Borough of Manhattan.

APPEARANCES—

For Applicant: George Dress.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Request to reopen withdrawn.

THE VOTE TO WITHDRAW REQUEST TO REOPEN—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

1040-40-BZ

APPLICANT—Henry Nordheim, for Elizabeth Golden and James F. Keenan, owners.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the acting borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a residence use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—1424-1426 Cottage place and 590 Crotona Park South, southeast corner (Block 2932, Lots 39 and 40), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry Nordheim.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

MINUTES

THE RESOLUTION (1040-40-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a residence use district for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 1424-1426 Cottage place and 590 Crotona Park South, southeast corner (Block 2932, Lots 39 and 40), Borough of The Bronx, was granted by the Board on April 22, 1941, on certain conditions and the applicant requested on extension of the permit; and

WHEREAS, the premises were inspected by a committee of the Board and it was noted that nothing had been done to comply with the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on April 22, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

" . . . Granted under section 7h for a term of six months from the date of this amended resolution, to permit . . . "

APPEALS FROM ADMINISTRATIVE DECISIONS

476-42-A

APPLICANT—William Hand, d/b/a Capital Drug Company, for Bushwick Building Co., Inc., owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—2553-2563 Atlantic avenue and 30-48 Alabama avenue, northwest corner (Block 3666, Lot 31), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Vincent Matteis, Fire Dep't.

ACTION OF BOARD—Laid over to July 20, 1943 at 2 P. M., on written request of applicant.

851-42-A

APPLICANT—Saul Goldsmith, for Alfred Moscola, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1419-1427 Sheepshead Bay road and 2600-2616 East 15th street, northwest corner (Block 7459, Lot 7), Borough of Brooklyn.

APPEARANCES—

For Applicant: Saul Goldsmith.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to July 20, 1943 at 2 P. M., for further consideration by the Board.

5-43-A

APPLICANT—David C. Broderick, for Margaret T. Gilmartin, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—444 West 259th street, south side, 160 ft. east of Riverdale avenue (Blocks 3423A and 3423B, part of Lot 140), Borough of The Bronx (Under section 35, General City Law re bed of Mapped Street (Delafield avenue)).

APPEARANCES—

For Applicant: Charles S. Voccaro.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to July 20, 1943 at 2 P. M., at request of applicant's representative.

186-43-A

APPLICANT—Robert Jacob, Inc., owner.

SUBJECT—Appeal from an order and decisions of the fire commissioner.

PREMISES AFFECTED—154 Pilot street, north and south sides, between City Island avenue and Long Island Sound (Block 5640, Lot 18, and Block 5641, Lot 90), Borough of The Bronx.

APPEARANCES—

For Applicant: James R. Geraghty.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Laid over to July 27, 1943 at 2 P. M. for further consideration by the Board.

214-43-A

APPLICANT—Theodore Heilig, for Lex Holding Corporation, owner (L. V. Hoffman and Co., Inc., Agent) (Tedlee Corp., and The Kentlee Co., Inc., lessees).

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—137-139 East 25th street, north side, 79.10 ft. east of Lexington avenue and 138 East 26th street (3rd floor); (Block 881, Lot 29), Borough of Manhattan.

APPEARANCES—

For Applicant: James A. Wilson.

For Administration: Vincent Matteis, Fire Dep't.

ACTION OF BOARD—Laid over to July 20, 1943 at 2 P. M. for further consideration by the Board.

230-43-A

APPLICANT—Hilo Varnish Corporation, for The Peelle Company, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—42-60 Stewart avenue, east side, from Harrison place to Ingraham street (Block 3001, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Frank M. Schumann.

For Administration: Vincent Matteis, Fire Dep't.

ACTION OF BOARD—Laid over to July 20, 1943 at 2 P. M. for further consideration by the Board.

240-43-A

APPLICANT—Sunnyside Sanitarium of Staten Island, Inc., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—30 Little Clove road, south side, 240 ft. west of Clove road (Block 836A, Lot 1), West Brighton, Borough of Richmond.

APPEARANCES—

For Applicant: Carlo Calvosa, Jr.

For Administration: Fred Dahlem, Dep't. of Housing and Buildings and Insp. Maher, Fire Dep't.

ACTION OF BOARD—Laid over to July 20, 1943 at 2 P. M. for further consideration by the Board.

265-43-A

APPLICANT—J. Herbert Burmeister, for William Christ, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—148-18 89th avenue, south side, 160 ft. east of 148th street (Block 9681, Lot 58), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Frederick Wonnberger.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to July 20, 1943 at 2 P. M., pending an inspection by a committee of the Board.

MINUTES

267-43-A

APPLICANT—Graton and Knight Co., owner.

SUBJECT—Appeal from a decision of the fire commissioner re Packaging of combustible mixture known as "Neptune Waterproof Belt Cement" in one-quart and one-pint glass bottles (capacity of glass bottles not in conformity with Administrative Code Specifications).

APPEARANCES—

For Applicant: Homer Lee La Rue.

For Administration: Vincent Matteis, Fire Dep't.

ACTION OF BOARD—Laid over to September 14, 1943 at 2 P. M. for further consideration by the Board.

270-43-A

APPLICANT—Charles S. Ward, for Carter Estate, owner (Pratt-Smith Produce Corporation, lessee).

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—351-353 West 14th street, north side, 66 ft. east of Ninth avenue and 362-364 West 15th street (Block 738, Lot 8), Borough of Manhattan.

APPEARANCES—

For Applicant: William M. Farrar.

For Administration: Fred Dalhem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to July 20, 1943 at 2 P. M., pending an inspection by a committee of the Board.

319-43-S

APPLICANT—Horni Signal Manufacturing Corp., lessee, for Rector, Church Wardens and Vestrymen of Trinity Church, City of New York, owner.

SUBJECT—Variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—515-21 Greenwich street and 309-317 Spring street, northeast corner (2nd and 5th floors); (Block 597, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: Herbert Hessler.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Laid over to July 20, 1943 at 2 P. M. for report from Fire Dep't inspector.

342-43-S

APPLICANT—William G. Hemstreet, for Irving S. Whiting, owner.

SUBJECT—Variation of the labor law as cited in decisions of the borough superintendent.

PREMISES AFFECTED—135-137 Cedar street, north side, 82 ft. 9¾ in. west of Greenwich street (Block 54, Lot 13), Borough of Manhattan.

APPEARANCES—

For Applicant: W. G. Hemstreet and W. H. Whiting.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to July 20, 1943 at 2 P. M. for an inspection by a committee of the Board.

910-39-A

APPLICANT—McManus Laboratories, Inc., George D. McManus, President, (lessee), for All Purpose Gold Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment to resolution—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—107-111 Myrtle avenue, north side, 21 ft. west of Bridge street (Block 143, Lot 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: M. Theodore Chester.

For Administration: Leo Lieberman, Fire Dep't.

ACTION OF BOARD—Appeal reopened and set for hearing July 27, 1943 at 2 P. M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

559-42-A

APPLICANT—Sardik Food Products Corporation, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—409 East 47th street, north side, 150 ft. east of First avenue (Block 1359, Lot 9), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Vincent Matteis, Fire Dep't.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

662-42-A

APPLICANT—Lauritz Lauritzen, for Kenby Realty Company, Incorporated, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—899 Kent avenue, east side, 287 ft. south of Myrtle avenue (Block 1912, Lot 10), Borough of Brooklyn.

APPEARANCES—

For Applicant: Lauritz Lauritzen.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

800-42-A

APPLICANT—Thomas Dunn, for Dorothy DeMaio, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—4762-4764 Third avenue, east side, 105 ft. north of East 189th street (Block 3033, Lot 58), Borough of The Bronx.

APPEARANCES—

For Applicant: Thomas Dunn.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn, after argument.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

MINUTES

862-42-A

APPLICANT—Gersten Brothers, lessee, for Ariel Holding Corporation, owner.
 SUBJECT—Appeal from an order and a decision of the fire commissioner.
 PREMISES AFFECTED—68 Jay street, west side, between Front and Water streets (Block 40, Lot 1); (5th floor, Building No. 5), Borough of Brooklyn.
 APPEARANCES—
 For Applicant: None.
 ACTION OF BOARD—Appeal withdrawn on written request of applicant.
 THE VOTE TO WITHDRAW—
 Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
 Negative 0

225-43-A

APPLICANT—John T. Briggs, for Shirley K. Finston, Ruth V. Sieberman and Lois Voltter, owners (Royal Lace Paper Works, Inc., lessee).
 SUBJECT—Appeal from a decision re an order of the fire commissioner.
 PREMISES AFFECTED—89-107 Gold street, southeast corner of Front street (5th floor); (Block 56, Lot 3), Borough of Brooklyn.
 APPEARANCES—
 For Applicant: None.
 For Administration: Vincent Matteis, Fire Dep't.
 ACTION OF BOARD—Appeal withdrawn, on written request of applicant.
 THE VOTE TO WITHDRAW—
 Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
 Negative 0

262-43-A

APPLICANT—Jacob Siegel, lessee, for City Bank Farmers Trust Co. (subsidiary of The National City Bank), owner.
 SUBJECT—Appeal from an order of the fire commissioner.
 PREMISES AFFECTED—595 Flushing avenue, north side, 165 ft. 4 in. west of Marcy avenue (Block 2264, Lot 46), Borough of Brooklyn.
 APPEARANCES—
 For Applicant: Moses Kobrinetz.
 For Administration: Vincent Matteis, Fire Dep't.
 ACTION OF BOARD—Appeal withdrawn, to comply.
 THE VOTE TO WITHDRAW—
 Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
 Negative 0

312-43-S

APPLICANT—George Dress, for Jacob Hoffman Brewing Co., owner (Samuel H. Lichenstein, lessee).
 SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.
 PREMISES AFFECTED—215-221 East 54th street, north side, 185 ft. 10 in. east of Third avenue (2nd floor); (Block 1328, Lot 9), Borough of Manhattan.
 APPEARANCES—
 For Applicant: George Dress.
 For Administration: Fred Dahlem, Dep't of Housing and Buildings.
 ACTION OF BOARD—Application withdrawn, after argument.
 THE VOTE TO WITHDRAW—
 Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
 Negative 0

321-43-S

APPLICANT—Loius S. Weeks, for Defense Plant Corporation, owner (Lithalloys Corporation, lessee).
 SUBJECT—Variation of the labor law as cited in a decision of the acting borough superintendent.
 PREMISES AFFECTED—42-25 Ninth street, east side, 190 ft. north of 43rd avenue (Block 461, Lot 13), Long Island City, Borough of Queens.
 APPEARANCES—
 For Applicant: Anastasio Casanos.
 For Administration: Fred Dahlem, Dep't. of Housing and Buildings.
 ACTION OF BOARD—Application withdrawn at request of applicant's representative.
 THE VOTE TO WITHDRAW—
 Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
 Negative 0

306-38-A

APPLICANT—Paul Friedman, for 543 Ocean Avenue Corporation, owner.
 SUBJECT—Application reopened June 22, 1943, re Appeal from a decision of the borough superintendent.
 PREMISES AFFECTED—1602 Avenue J, southeast corner of East 16th street (Block 6718, Lot 1), Borough of Brooklyn.
 APPEARANCES—
 For Applicant: Paul Friedman.
 For Administration: Fred Dahlem, Dep't of Housing and Buildings.
 ACTION OF BOARD—Appeal denied.
 THE VOTE TO GRANT—
 Affirmative 0
 Negative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

THE RESOLUTION (306-38-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 1602 Avenue J, southeast corner of East 16th street (Block 6718, Lot 1), Borough of Brooklyn, was granted by the Board on November 29, 1938, on certain conditions and the applicant on behalf of the 543 Ocean Avenue Corporation, present owner, requested an amendment of the resolution; and

WHEREAS, this case was reopened by vote of the Board on June 22, 1943 and restored to the calendar; and

WHEREAS, the decision of the borough superintendent dated June 15, 1943 on Alteration Applic. 1718-43, reads:

"1. Resubmit to the B. S. & A. Change of occupancy from hand laundry to store in a residential zone. Bulletin 49, Vol. 23—306-38-A."

and

WHEREAS, the applicant states that the building is one story (14 ft.) in height, 13 ft. 8 in. by 24 ft. 3½ in. in area, of Class 4 construction, erected in 1902, located in a residence use, E area district, formerly used for a hand laundry, 2 persons and proposed to be used as a store, 10 persons; and

WHEREAS, the applicant contends that on November 29, 1938, the Board modified the decision of the borough superintendent, so as to permit the occupancy of the building as a hand laundry, subject to certain conditions and limitations; that the premises have been so occupied until damaged by fire; that the applicant now proposes to repair the fire damage without altering or extending the premises and to occupy the building as a store instead of a hand laundry; that the proposed change is a change of occupancy and not a change of use and therefore no variation of the zoning law is required; that the proposed change will ameliorate existing conditions by substituting for a hand laundry occupancy, the proposed store occupancy, which will be of a type

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which the Board would not consider obnoxious; that it is therefore requested that the Board amend the resolution previously adopted, so as to permit the occupancy of the premises as a store for business use; and

WHEREAS, the borough superintendent of the Department of Housing and Buildings has informed the Board that a fire occurred in these premises November 30, 1942; that Unsafe Building Violation 3026-42 was filed against these premises on December 9, 1942; that an inspector of the department estimated on December 9, 1942, that the building was destroyed by fire to the extent of about 40 percent; and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, the record indicates that the premises were occupied as an office until 1930 and thereafter, illegally as a hand laundry, until a variance was granted by the Board on November 29, 1938, to permit the continuance of that use and none other; and

WHEREAS, the Board deemed, that due to the abandonment of the former office use and the later hand laundry use, no other non-conforming use should be substituted, as proposed; and

WHEREAS, after abandonment of the hand laundry use, the building was materially damaged by fire and has not yet been reconstructed, due to the recent acquisition of the premises by the present owner from the City of New York, which acquired title upon foreclosure of a tax lien.

Resolved, that the decision of the borough superintendent dated June 15, 1943 on Alt. Applic. 1718-43, objection 1, be and it hereby is affirmed and that the appeal be and it hereby is denied.

778-39-A

APPLICANT—Saul Goldsmith, for Oak-Cal Realty Co., Inc., owner.

SUBJECT—Application reopened June 22, 1943—re Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—130-142 Green street, south side, 263 ft. 7½ in. west of Manhattan avenue and 135-137 Huron street (Block 2522, Lots 22, 24 and 59), Borough of Brooklyn.

APPEARANCES—

For Applicant: Saul Goldsmith.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (778-39-A)

WHEREAS, this appeal from a decision of the acting borough superintendent, affecting premises 130-142 Green street, south side, 263 ft. 7½ in. west of Manhattan avenue and 135-137 Huron street (Block 2522, Lots 22, 24 and 59), Borough of Brooklyn, was granted by the Board on July 5, 1939, on certain conditions and the applicant requested an amendment of the resolution; and

WHEREAS, this case was reopened by vote of the Board on June 22, 1943, and restored to the calendar; and

WHEREAS, the decision of the borough superintendent dated June 7, 1943 on Alt. Applic. 1560-43 reads:

"2. The extension to an existing business structure of non-fireproof construction exceeding in area the tabular limits of Sect. 4.2.1 of the Bldg. Code is contrary to Sect. 4.2.3 of the Code. Note that the existing structure was erected under permit granted by the Board of Standards and Appeals. Res. 778-39-A."

and

WHEREAS, the applicant states that the building will be 1 story (22 ft. and 32 ft.) in height, 146 ft. 4½ in. by 200 ft. in area, of Class 3 construction, located in an unrestricted use and business use district; and

WHEREAS, the applicant contends that it is proposed to erect a one-story brick extension 62 ft. 6 in. by 100 ft. in area, 32 ft. in height from the present building to Huron street building line; that the increase in area will be 6,250 sq. ft. and the combined area of the building will then be 19,383 sq. ft., facing on two street fronts; that the entire building will be unheated; that the new extension, as in the present building, will be used for storage of steel handled by overhead cranes; that any intervening walls or doors would create practical difficulties and it is therefore requested that the Board grant a variance in view of the small human occupancy and the non-combustible and non-hazardous use.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on July 5, 1939, by adding thereto:

" . . . that in the event the owner desires to erect a one-story extension substantially as indicated on plans filed with the borough superintendent on Alt. Applic. 1560-43, and as indicated on plans filed with the Board marked 'Received June 8, 1943', such extension may be constructed and occupied as proposed, provided the number of persons employed is not increased and only so long as the building as a whole is occupied as proposed and conforms in all other respects with all laws, rules and regulations applicable thereto; that all permits shall be obtained and all work completed within one (1) year from the date of this amended resolution."

1284-39-A

APPLICANT—Raymond Irrera, for Kate Leake, owner (Henry Kohlmeier's Son, lessee).

SUBJECT—Application reopened May 18, 1943—re Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—103-27 Lefferts boulevard, east side, 260 ft. south of 103rd avenue (Block 9557, Lot 55), Morris Park, Borough of Queens.

APPEARANCES—

For Applicant: Raymond Irrera.

For Administration: Fred Dahlem, Dept. of Housing and Buildings.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (1284-39-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 103-27 Lefferts boulevard, east side, 260 ft. south of 103rd avenue (Block 9557, Lot 55), Morris Park, Borough of Queens, was granted by the Board on November 8, 1939, on certain conditions and the applicant requested an amendment of the resolution; and

WHEREAS, this case was reopened by vote of the Board on May 18, 1943 and restored to the calendar; and

WHEREAS, the applicant has filed a decision of the borough superintendent dated May 4, 1943 on Alt. Applic. 436-43, which reads:

"1. The use of the attic floor for whatever purpose must be granted by the Board of Standards and Appeals. See Cal. 1284-39-A, Bul. 46, Vol. 24 of the Board of Standards and Appeals."

and

WHEREAS, it is now proposed to use the building as follows: cellar, storage and boiler room; 1st floor, funeral parlor, 75 persons; 2nd and attic floors, dwelling; 1 family combined; and

WHEREAS, violation 384-43 was issued February 15, 1943, for using the three-room apartment and attic inconsistently with Certificate of Occupancy 9659, issued January 23, 1940, under Alt. Applic. 2346-39; and

WHEREAS, the applicant contends that the second floor and attic are used by the lessee for dwelling purposes; that

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the attic rooms have been in existence since the building was erected; that the main stair of the building leads to the attic and has a 2 ft. 4 in. wide stairway terminating at the attic floor in center hall, off which are the two rooms in question; that there is also a rear stairway 2 ft. 5 in. wide covered by a trap door at attic level; that this trap door will be removed and a protective railing erected around the stair, thus providing a second means of egress from the attic floor; that this stair terminates at 1st floor level, adjacent to a doorway leading to the rear yard; that the attic rooms consist of a sitting room and chamber and are used by one member of the household of the lessee; that in view of the ample exit facilities and in view of the fact that these attic rooms have been in existence since the building was erected and in view of the low occupancy of the attic floor, it is requested that the Board permit the use of these rooms in conjunction with the dwelling occupancy of the 2nd floor.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on November 8, 1939, only so far as it has reference to the clause "the occupancy of the second floor as one family," so that as amended, this portion of the resolution shall read:

" . . . that the second floor shall be occupied for one family only, which may also include the two living rooms and the attic, provided two means of exit from same are provided as proposed; that such second floor and attic shall be occupied by the operator of the proposed undertaking establishment; that the occupancy of such attic room shall be by one member of the family only."

508-41-A

APPLICANT—S. Franklin Oppenheim, for Fraternal Casino, Incorporated, owner.

SUBJECT—Appeal from decisions of the borough superintendent.

PREMISES AFFECTED—63-65 East 104th street, north side, 245 ft. east of Madison avenue (Block 1610, Lot 31), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlen, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (508-41-A)

WHEREAS, S. Franklin Oppenheim, for Fraternal Casino, Incorporated, owner, filed on June 5, 1941, an appeal from decisions of the borough superintendent, affecting premises 63-65 East 104th street, north side, 245 ft. east of Madison Avenue (Block 1610, Lot 31), Borough of Manhattan; and

WHEREAS, when this case was called for hearing, no appearance was made on behalf of the applicant, although duly notified to do so.

Resolved, that the appeal be and it hereby is *dismissed* for lack of prosecution.

96-43-S

APPLICANT—James McKillop, for Edward Ehrbar, Inc., owner.

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—29 Meserole avenue and 238-256 Banker street, northwest corner (Block 2592, Lot 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: James E. McKillop.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (96-43-S)

WHEREAS, James McKillop, for Edward Ehrbar, Incorporated, owner, filed March 5, 1943, an application for variation of the requirements of the Labor Law as cited in a decision of the borough superintendent, affecting premises 29 Meserole avenue, and 238-256 Banker street, northwest corner (Block 2592, Lot 30), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent dated June 21, 1943 on Alt. Applic. 2669-41, reads:

"1. Provide two fireproof exits as per Sec. 270 of the Labor Law."

and

WHEREAS, the applicant states that the building is two stories (29 ft.) in height; 90 ft. by 175 ft. in area on first floor; 90 ft. by 46 ft. 2 in. in area at second floor; of Class 3 and 5 construction; erected 1918; located in an unrestricted use district and used as follows: first floor, storage of steel, 8 persons; second floor, offices, 10 persons; that it is proposed to be used as follows: first floor, show-room for contractors' machinery, repair of contractors' machinery and storage of one automobile, 10 persons; second floor, offices, 10 persons; that the building is equipped with one 44 in. wide concrete stairs enclosed in brick equipped with fireproof self-closing doors leading directly from street to second story; and

WHEREAS, the applicant contends that it is proposed to erect an outside wrought iron and steel balcony and counter-balance stair to street as a second means of egress from the second story; that the building is one and two story brick, part of the northerly section of the first floor has steel and corrugated iron enclosure; that there is no cellar; that the entire first story floor is concrete; that the second tier of beams is steel and concrete slab; that the extension roof of the first story is constructed of steel girders and wood roof beams, supported on steel columns; that the roof of the main building is of wood construction; that the proposed wrought iron steel balcony will be set at a point 9 in. below the window sill on the Meserole avenue side and will be equipped with a swing sash exit at least 30 in. wide and 48 in. high in the present mullion window; that the rear windows of the second floor are wood sash glazed with plain glass.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the borough superintendent on Alt. Applic. 2669-41, Objection 1, and that the application be and it hereby is *granted on condition* that a second means of exit, consisting of an exterior balcony and counter-balanced stair to street, shall be constructed and maintained substantially as shown on plans filed with this appeal marked "Received March 5, 1943"; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto and that a certificate of occupancy shall be obtained.

113-43-S

APPLICANT—Metropolitan Electric Manufacturing Company, owner.

SUBJECT—Variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—22-33 to 22-39 38th street, east side, 166.75 ft. north of 23rd avenue (Block 805, Lot 9), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: John Rusinak and Joseph P. Shelley.

For Administration: Thomas A. Larkin, Fire Dep't.

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ACTION OF BOARD—Application granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (113-43-S)

WHEREAS, Metropolitan Electric Manufacturing Company, owner, filed March 16, 1943, an application for variation of the requirements of the Labor Law, as cited in a decision of the fire commissioner, affecting premises 22-33 to 22-59 38th street, east side, 166.75 ft. north of 23rd avenue (Block 805, Lot 9), Long Island City, Borough of Queens; and

WHEREAS, the decision of the fire commissioner dated February 8, 1943, reads:

"This will acknowledge receipt of your letter of February 3rd, wherein you apply for permission to install panic bolts on the exit doors and also provide screens for the windows on the 38th street side of your factory. Your request must be denied for the reason that panic bolts and wire screening are prohibited in all factories by provisions of the State Labor Law.

The Fire Commissioner has no discretion in the matter and relief may be obtained only from the Board of Standards and Appeals, Room 1000, Municipal Building, Manhattan."

and

WHEREAS, the applicant states that the building is one story (28 ft.) in height; 368.30 ft. by 100.17 ft. in area; of Class 3 construction; erected 1890; located in a business use district and used and occupied as follows: cellar, boiler room, 1 person; first floor, manufacturing electrical equipment, 200 persons, and that the building is equipped with a standpipe system; and

WHEREAS, the applicant contends that there are 31 windows on the first floor affected and that the exits from this floor consist of three exit doors and three overhead loading platform doors; that a variance is requested, to permit the installation of panic bolts on the three entrance doors on the 38th street side and on the door in the south wall of the No. 2 shop building as indicated on drawing filed with this application; that a variance is also requested, to permit the installation of screening on the windows on the 38th street side of the shop building; that these windows are clearly indicated on drawings filed with this application; that the U. S. Navy Department and the U. S. Army Plant Security Officer has made recommendations relative to these items, which have been filed with this application; and

WHEREAS, copy of recommendation of the Plant Security Officer of the U. S. Army filed with this application recommends the installation of approved type panic bolts on each of the doors in question; that the recommendation of the U. S. Navy Plant Protection officer, requires that doors of the plant be equipped with panic bolts, in view of the fact that the plant is engaged in the manufacture of classified materials for the Navy Department.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the fire commissioner dated February 8, 1943 and that the application be and it hereby is *granted on condition* that panic bolts shall be installed only on three exit doors to 38th street and one door to the south, as indicated on plans filed with this application marked "Received March 18, 1943" *on condition* that such panic bolts shall be of approved type; that the screens as proposed, may be continued, provided they are fastened with spring catches as proposed, so as to make such screens readily openable from the exterior by the Fire Department, if necessary; that all doors indicated leading to 38th street and through the easterly portion of the building to Steinway avenue shall be maintained; that this variance shall continue only during the term of the present emergency; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

125-43-A

APPLICANT—Sidney L. Strauss, for Commodore-Biltmore Co., Inc., owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—323-335 East 44th street, north side and 322-334 East 45th street, south side, 175 ft. west of First avenue (Block 1337, Lot 4), Borough of Manhattan.

APPEARANCES—

For Applicant: Sidney L. Strauss.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (125-43-A)

WHEREAS, Sidney L. Strauss, for Commodore Biltmore Co., Inc., owner, filed on March 23, 1943 an appeal from an order and decision of the fire commissioner, affecting premises 323-335 East 44th street, north side, 175 ft. west of First avenue and 322-334 East 45th street (Block 1337, Lot 4), Borough of Manhattan; and

WHEREAS, Order 16967-LF issued by the fire commissioner January 5, 1943 reads:

"1. Repair defective standpipe tank. Ch. 26, Art. 17, Adm. Code.

4. Provide adequate heating apparatus for standpipe tank to prevent water in same from freezing. Ch. 26, Art. 17, Adm. Code.

5. Provide proper protection against freezing for all portions of the standpipe system requiring such protection. Ch. 26, Art. 17, Adm. Code.

7. Place automatic sprinkler system in serviceable condition. Ch. 26, Art. 17, Adm. Code.

8. Arrange for a flow and pressure test of the standpipe, to prove the lines, line valves, check valves and siamese connections are free from obstruction and in proper operating condition. Such test to be made in the presence of an inspector from this department. The last test was made on 3/11/38. Ch. 26, Art. 17, Adm. Code."

and

WHEREAS, said order was referred to in a decision of the fire commissioner dated March 9, 1943; and

WHEREAS, the applicant states that the building is 4 stories and cellar (48 ft.) in height, 150 ft. by 200 ft. in area of class 1 construction, equipped with a sprinkler system and standpipe system, erected in 1918, located in a business use district and used and occupied as follows: cellar—boiler room and storage—2 persons; 1st to fourth floors inclusive—garage; and

WHEREAS, the applicant contends that it is proposed to maintain the sprinkler system as a dry system from December 1st to March 15th of each year, until materials are available for replacements to the heating system; that the lack of materials at the present time, due to governmental restrictions, makes it impossible for the owner to make the replacements to the heating apparatus; it is also proposed to remove the existing rotted standpipe gravity tank and to permit the standpipe system to be maintained as a dry system with the necessary siamese connections, hose outlets, etc.; that the building is under 24 hour supervision and that all other items of the fire commissioner's order will be complied with; and

WHEREAS, the applicant has stated to the Board that the use of this structure for the duration of the present emergency will be limited to the storage of new automobiles only, none of which will have any gasoline in their tanks and in addition to which, all batteries will be removed from the automobiles, and that there will be no gasoline of any description stored on the premises; and

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WHEREAS, the premises were inspected by a committee of the Board.

Resolved, that Order 16967-LF of the fire commissioner be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to Objections 1, 4 and 5, *on condition* that during the present emergency the standpipe line shall be capped and the standpipe system maintained as a dry system; that the automatic sprinkler system shall be maintained as a wet system during the non-freezing weather and during the freezing weather, maintained as a dry system to the satisfaction of the fire commissioner; that the premises shall be occupied only as proposed, for the storage of new motor vehicles in the ownership of the United States Government; that all batteries and gasoline in tanks shall be removed and the tanks purged of gasoline and kept with cap and plug removed; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; and *denied* as to Objections 7 and 8, except as hereinbefore provided.

135-43-A

APPLICANT—James E. McKillop, for C. E. Halback and Co., owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—190 Banker street, west side, 450 ft. south of Meserole avenue (Block 2615, Lot 25), Borough of Brooklyn.

APPEARANCES—

For Applicant: James E. McKillop and John Porter.

For Administration: Fred Dalhem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (135-43-A)

WHEREAS, James E. McKillop, for C. E. Halback and Company, owner, filed March 26, 1943, an appeal from a decision of the borough superintendent, affecting premises 190 Banker street, west side, 450 ft. south of Meserole avenue (Block 2615, Lot 25), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent dated May 18, 1943 on Misc. Oil Burner Applic. 2929-42, reads:

"1. Proposal to install an oil burner without a legal chimney is denied under Rule 12 of the Oil Burner Rules of the Board of Standards and Appeals."

and

WHEREAS, the applicant states the building is 2 stories (25 ft.) in height; 85 ft. by 190 ft. at first floor; 85 ft. by 25 ft. at second floor; of Class 3 construction; erected 1927; located in an unrestricted use district and used as follows: first floor, iron work, 25 persons; second floor, offices, 6 persons and that no change in use or occupancy is proposed; and

WHEREAS, Certificate of Occupancy 44447, issued April 27, 1927, permitted the use of the first story for ornamental iron assembly and second floor as office and drafting rooms; and

WHEREAS, the applicant contends that it is proposed to install an oil burning forge for blacksmith work; that the forge will be known as the Chicago Flexible Forge, for oil burning use and two burners will be installed as approved by the Board of Standards and Appeals under Cal. 792-26-SA; that the forge will be constructed of wrought iron on angle iron frame and will be 24 in. high, 4 ft. by 4 ft. in area, supported on legs 3 ft. high and lined with 4 in. of fire brick, laid in asbestos cement and fired by two North American Low Pressure Oil Burners; that when the furnace is in operation, there will be a perfect mixture of oil and air and no odors or fumes or noxious gases will be

produced; that a hood will be provided above the furnace, which will convey the heat to above the roof, as indicated on plans filed with this appeal.

Resolved, that the decision of the borough superintendent on Misc. Oil Burner Applic. 2929-42, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted*, *on condition* that the equipment shall be maintained substantially as proposed and the flue shall be supported to the satisfaction of the borough superintendent and where passing through the roof, shall be fire retarded to the satisfaction of the borough superintendent; that in all other respects, the installation shall comply with the Oil Burner Rules of the Board of Standards and Appeals and that this variance is granted only during the term of the present emergency.

185-43-A

APPLICANT—Allan L. Church, for Armstrong and Hess, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—330 Greenwich street, west side, 25 ft. south of Jay street (Block 142, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: Allan L. Church.

For Administration: Fred Dalhem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (185-43-A)

WHEREAS, Allan L. Church, for Armstrong and Hess, Inc., owner, filed April 21, 1943 an appeal from a decision of the borough superintendent, affecting premises 330 Greenwich street, west side, 25 ft. south of Jay street (Block 142, Lot 16), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent dated April 15, 1943 on Alt. Applic. 3191-40 reads:

"1. Marquee as shown on plans contrary to Section 2.4.1.4.8 Building Code.

Incombustible materials required marquee should be adequately supported from building and drained, and should not extend to within two feet of the curb line nor within 10 ft. of the sidewalk level."

and

WHEREAS, the applicant states that the building is 5 stories (52 ft.) in height, 25 ft. by 58 ft. 4 in. in area, of Class 3 construction, erected in 1893, located in an unrestricted use district and used since 1920 for the storage of cheese and eggs; and

WHEREAS, the applicant contends that the marquee is existing and requires only minor repairs and alterations, as shown on plans filed with the borough superintendent; that these repairs and alterations are necessary, due to the removal of the 9th Avenue "L" structure and the proposed widening of Greenwich street.

Resolved, that the decision of the borough superintendent acting on Alt. Applic. 3191-40 be and it hereby is *modified* and that the appeal be and it hereby is *granted*, as to Objection 1, *on condition* that the marquee shall be constructed substantially as indicated on plans filed with the borough superintendent and shall be not nearer than 2 feet to the proposed new location of curb, except that until the roadway is widened and the curb set in its new location, the marquee may be permitted to be not nearer than 2 feet from the location of the existing curb; that this variance is for a term of two (2) years from the date of this resolution and only so long as the premises are occupied as proposed, for the wholesaling of food products.

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202-43-S

APPLICANT—Martin Hansen, for Broadway and 33rd Street Corporation (Subsidiary of Gimbel Brothers), owners.

SUBJECT—Variation of the labor law as cited in an order and a decision of the fire commissioner.

PREMISES AFFECTED—47-02 31st place (School street) west side, between 47th (Nelson) avenue and 48th (Anabel) avenue (Block 281, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Martin Hansen.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (202-43-S)

WHEREAS, Martin Hansen, for Broadway and 33rd Street Corporation (Subsidiary of Gimbel Brothers) owners, filed on April 27, 1943, an application for variation of the requirements of the Labor Law as cited in an order and a decision of the fire commissioner, affecting premises 47-02 31st place (School street), west side, between 47th (Nelson) avenue and 48th (Anabel) avenue (Block 281, Lot 1), Long Island City, Borough of Queens; and

WHEREAS, Order 10285-LF, issued by the fire commissioner March 12, 1943, and referred to in a decision of the fire commissioner dated April 14, 1943, reads:

"1. Arrange the doors from factory floors to stair-halls, all stories, so that same can be opened from both sides during working hours. Section 272 of the Labor Law."

and

WHEREAS, the applicant states the building is five stories (65 ft.) in height, 200 ft. by 576 ft. in area; of Class 1 construction; erected 1923; located in an unrestricted use district and used and occupied as follows: basement, boiler room and garage, 15 persons; 1st floor, receiving and shipping of storage, 30 persons; 2nd floor, manufacturing of paper bags, 175 persons; 3rd floor, storage, offices, furniture repair, 80 persons; 4th floor, storage, 25 persons; 5th floor, manufacturing paper bags, office and storage, 75 persons; that no change in use or occupancy is proposed; that the building is equipped with a two-source sprinkler system, a standpipe system, 8 interior 44 in. fireproof stairs leading from roof bulkhead to street; and

WHEREAS, Certificate of Occupancy 8320 was issued February 9, 1924, permitting the use of the building as follows: 1st floor, storage, 2nd floor, garage, 3rd floor, bake shop, 4th floor, storage, 5th floor, mixing room and office; total—warehouse, factory and garage, and describes the construction as brick; and

WHEREAS, the applicant contends that permission is requested to equip doors marked A1 and A2, located at the street side of tunnels leading from fire stairs, with approved panic bolts on the tunnel side on the ground that there are ample accesses to the building through the regular doors and openings other than the doors in question; that doors marked A3, each consist of a pair of doors at street end of stairs leading from garage; that one door in each opening has top and bottom bolt on stair side and one door has a cylinder latch locked from street side but open from stair side; that permission is requested to leave the present hardware on these doors; that all of these doors are located on the main first floor; that doors marked C1, C2, C3 and C8, on the third floor are equipped with a cylinder latch locked from the stair side and always open from floor side; that permission is requested to leave these doors as is; that on the fourth floor doors marked D1, D2, D3, D6, D8 and D81, are equipped with cylinder latch locked from stair side and kept open from floor side; that permission is requested to leave these doors as is; that on the fifth floor, doors marked E1, E2, E3, E4, E6 and E8, are equipped with cylinder latch

locked from the stair side and kept open from the floor side and that permission is requested to have these doors left as is; and

WHEREAS, the applicant contends, that owing to the large floor area to be covered, it is impossible in policing the premises to guard against theft by persons gaining admittance to the different floors from the street and also from tenants in other parts of the building; and

WHEREAS, the premises were inspected by a committee of the Board.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the labor law, as cited in order 10285-LF of the fire commissioner, and that the application be and it hereby is granted as to abjection 1, on condition that the doors to stairhalls shall be maintained in compliance with the requirements of the Labor Law at all times on all stories, except that the exits from such stairways to doors at the end of tunnels leading to 31st place may be equipped with a panic bolt, provided the panic bolt is of approved type; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as modified by the Board under Cal. 229-43-A.

229-43-A

APPLICANT—Martin Hansen, for Broadway-33rd Street Corporation (Subsidiary of Gimbel Brothers) owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—47-02 31st place (School street) west side, between 47th (Nelson) avenue and 48th (Anabel) avenue (Block 281, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Martin Hansen.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (229-43-A)

WHEREAS, Martin Hansen, for Broadway and 33rd Street Corporation (Subsidiary of Gimbel Brothers), owner, filed May 14, 1943, an appeal from a decision of the borough superintendent, affecting premises 47-02 31st place (School street) west side, between 47th (Nelson) avenue and 48th (Anabel) avenue (Block 281, Lot 1), Long Island City, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated May 11, 1943, on Misc. Applic. 1098-43, reads:

"4. The erection of a marquee more than 50 ft. in length is contrary to Sec. 2.4.1.4.8 B.C."

and

WHEREAS, the applicant states the building is five stories (65 ft.) in height, 200 ft. by 576 ft. in area; of Class 1 construction; erected 1923; equipped with a sprinkler system and a standpipe system; located in an unrestricted use district and used and occupied as follows: basement, boiler room and garage, 15 persons; 1st floor, receiving and shipping, storage, 30 persons; 2nd floor, manufacturing of paper bags, 175 persons; 3rd floor, storage, offices, furniture repair, 80 persons; 4th floor, storage, 25 persons; 5th floor, manufacturing paper bags, office and storage, 75 persons and that no change in use or occupancy is proposed, and

WHEREAS, the applicant contends that the present marquee is 102 ft. in length and extends out from the building 7 ft. and covers a loading platform to protect merchandise from inclement weather; that the marquee was erected in 1923 under N.B. Applic. 9562-22 and a certificate of occupancy issued; that the marquee has been in existence since the building was erected and it is requested that the Board grant a modification to permit it to remain at its present length of 100 ft.; and

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WHEREAS, the premises were inspected by a committee of the Board.

Resolved, that the decision of the borough superintendent be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to Misc. Applic. 1098-43, Objection 4, *on condition* that the existing marquee erected at the time of the construction of the building in 1923, shall not be increased in area and shall be removed in the event the occupancy of the building is changed; that a new certificate of occupancy for the building shall be obtained; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as modified by the Board under Cal. 202-43-S.

256-43-A

APPLICANT—Keto Chemical Co. Inc., for Beledu Associates, Inc., owner (Red Star Chemical Co. Inc., lessee).

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—40-33 23rd street, east side, 100 ft. north of 41st avenue (Block 408, Lot 9), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Seymour Cooperberg.

For Administration: Vincent Matteis, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioner

Blum and Deputy Chief Gunn..... 3

Negative: Commissioner Savage 1

THE RESOLUTION (256-43-A)

WHEREAS, Keto Chemical Co., Inc., applicant for Beledu Associates, Inc., owner (Red Star Chemical Co. Inc., lessee), filed May 28, 1943, an appeal from an order of the fire commissioner, affecting premises 40-33 23rd street, east side, 100 ft. north of 41st avenue (Block 408, Lot 9), Long Island City, Borough of Queens; and

WHEREAS, Order 94454-LC issued by the fire commissioner March 31, 1943 and repeated in a decision of the fire commissioner dated April 29, 1943, reads:

"You are hereby notified that an inspection of the above premises used to manufacture chemicals shows the following must be done before the permit requested by you can be issued:

2. Discontinue the use and storage of alcohol in room where open flames are in use. C19-11.0, Administrative Code."

and

WHEREAS, the applicant states the building is two stories (27 ft. 6 in.) in height; 48 ft. by 75 ft. in area; Class 3 construction; erected in 1914; located in an unrestricted use district and occupied: 1st floor, chemical laboratory and spraying shop, 6 persons; 2nd floor, office and storage; 4 persons; and

WHEREAS, the applicant contends that the plant consists of one large floor area and to comply with the order would necessitate the erection of partitions; the erection of such partitions would prevent the visibility of the reactions from other points of the floor and make it necessary to hire additional labor for the supervision of the manufacturing process; that in view of the manpower shortage, obtaining such additional labor would be extremely difficult; that the alcohol is used in 22 liter flasks, containing not more than 12 liters of alcohol and is at least 10 feet from the nearest open flame; that the alcohol is being used in a closed system; that sprinkler heads connected to the house water line, have been installed above the place where the alcohol is used; that a water hose with spray nozzle has been installed; that two foam and two carbon tetrachloride extinguishers are located in the plant; that a separated room constructed of brick walls with fire-retarding ceiling has been installed for the storage of 4 drums of alcohol and 1 drum of acetone; that the tenant occupying the other portion of the building, stores two drums of thinners in the same room.

Resolved, that Order 94454-LC of the fire commissioner be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the premises shall be maintained substantially as proposed and to the satisfaction of the fire commissioner; that the wood door in the subdividing partition, between the two tenants, shall be metal covered; that this modification is granted only for the term of the present emergency and *on condition* that the other tenant on the same floor shall comply with all requirements, including the existing violations issued by the fire commissioner; that such additional portable fire-fighting appliances shall be maintained as the fire commissioner shall direct and a sprinkler system maintained in accordance with the requirements; that the sprinkler heads connected to the house water lines shall be maintained to the satisfaction of the fire commissioner.

257-43-A

APPLICANT—Arthur Jovis, for 566 Wales Avenue Corporation, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—568 Wales avenue, southeast corner of East 150th street (Block 2653, part of Lot 9), Borough of The Bronx.

APPEARANCES—

For Applicant: Arthur Jovis, H. Schilena and Leonard Miloszewski.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE TO GRANT—

Affirmative: Chairman Murdock and Commissioners Savage and Blum 3

Negative: Deputy Chief Gunn 1

THE VOTE TO RECONSIDER—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE VOTE TO GRANT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (257-43-A)

WHEREAS, Arthur Jovis, for 566 Wales Avenue Corporation, owner, filed on May 28, 1943 an appeal from a decision of the borough superintendent, affecting premises 568 Wales avenue, southeast corner, East 150th street (Block 2653, part of Lot 9), Borough of The Bronx; and

WHEREAS, the decision of the borough superintendent dated April 30, 1943, on Alt. Applic. 558-42, reads:

"1. State correct district. State L.L. and number of people on each floor. State height of building.

2. Buildings over two stories and 30 ft. in height used for clubrooms and meeting rooms should be of fireproof construction as per Sec. 4.2.1. The records of this department do not show use as stated in affidavits. Alt. No. 79-1932 was approved for 1st floor clubroom and store; upper floors one apartment on each. Modification was requested to permit said use and architect (R. J. Marx) stated building was used for store and residence since 1901.

3. File complete plans including cellar and roof. Show construction of each floor so that L.L. may be checked.

4. If frame building is accepted for proposed use, provide satisfactory egress and toilet facilities.

5. Cellar ceiling should be fire-retarded. Also roof under F.E. Wall adjacent to F.E. should be fire retarded and fire stopped. Doors and windows on course of F.E. should be F.P.S.C. or A."

and

WHEREAS, the applicant states the building is three stories, (30 ft.) in height; 27 ft. 3 in. by 56 ft. 9 in. in area; of

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Class 4 construction; erected prior to 1899; located in an unrestricted use district and used: cellar, boiler room and storage; first floor, stores, 30 persons; 2nd floor, club and meeting rooms, 50 persons; 3rd floor, club and meeting rooms, 60 persons; that is proposed to be used and occupied: cellar, same; 1st floor, same; 2nd floor, same; 3rd floor, same; and

WHEREAS, the applicant states that the building is equipped with counter balanced fire escape from third floor to street and iron stairs from third floor leading to a court and thence to street; that the building was legally altered in 1911 and 1912 to synagogue use, which was a building of a public character as described in the Building Code of 1899 and has been continuously used as such since. (See Alteration 504-1911 and Slip Applic. 89-1912. See also U.B. 567-1934 and U.B. 213-1935); that it was noted on these alterations, the owner used the building as a synagogue on Friday evenings, Saturdays and various holidays, and used the same rooms on the second floor as a kitchen in connection with the various dietary rites of the synagogue and other rooms were retained for use of the Sexton and offices of the congregation, and as a Hebrew School; that during the same period of time and continuously since, the building was always used for club rooms and meeting rooms; that these facts are clearly established by department records and by affidavits filed with this appeal; and

WHEREAS, the premises were inspected by a committee of the Board.

Resolved, that the decision of the borough superintendent, acting on Alt. Applic. 558-42, objections 1 to 5, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall not be increased in height or area beyond that shown on plan approved under application 504-219.11; that the second and third floors shall be occupied for clubrooms only, with no dancing; that the existing exits, consisting of an interior stair and exterior fire escape on 150th street side and a fire escape in the exterior court, shall be maintained; that the second and third floors of the building shall be posted for a liveload not exceeding 60 lbs. per square foot; that the building shall be maintained in a structurally safe condition satisfactory to the borough superintendent and toilet facilities shall be provided as may be lawfully required for the occupancy; that the occupancy of the second and third floors shall each be limited to the capacity of the primary means of exit; that the cellar ceiling shall be fire-retarded throughout; that upon completion of these requirements, a certificate of occupancy shall be obtained for the use as herein set forth.

259-43-A

APPLICANT—John Rusinak, for Metropolitan Electric Manufacturing Co., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—22-48 Steinway street, west side, 372.91 ft. north of 23rd avenue (Block 805, Lot 9), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: John Rusinak, George V. Scott and Joseph P. Shelley.

For Administration: Vincent Matteis, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (259-43-A)

WHEREAS, John Rusinak, for Metropolitan Electric Manufacturing Company, owner, filed on May 27, 1943, an appeal from an order of the fire commissioner, affecting premises 22-48 Steinway street, west side, 372.91 ft. north of 23rd avenue (Block 805, Lot 9), Long Island City, Borough of Queens; and

WHEREAS, Order 94872-C, issued by the fire commissioner May 25, 1943, reads:

"1. Surrender to the bearer Fire Department Permit 140741, expiring October 11, 1943, authorizing the storage of paints, thinners and acids, on above premises, as it is revoked for the reason that the following must be complied with.

2. Discontinue the storage of spraying, dipping and immersing materials in excess of 200 gallons in a storage room. Rule 6.2, Spray Rules."

and

WHEREAS, the applicant states the building is one story (28 ft.) in height; 33 ft. by 75 ft. in area; of Class 3 construction; erected 1890; located in a business use district; equipped with a sprinkler system and used and occupied for garage, paint storage and slate room, 1 person; and

WHEREAS, the applicant contends that the paint storage room, which is 30 ft. by 7 ft. in area, and is completely fireproof, has ample room for storage of paints; that the building is 12 in. brick with steel doors, steel windows, sheet steel ceiling and concrete waterproof floor; that an approved sprinkler system has been installed; that the electric switch has been changed to a non-arcing mercury switch; that the business of the applicant has increased due to war conditions and it is necessary to keep extra quantities of paints, thinners and lacquers on hand.

Resolved, that Order 94872-C of the fire commissioner be and it hereby is *modified* and that the appeal be and it hereby is granted as to Objections 1 and 2, *on condition* that the paint storage room shall be constructed substantially as indicated on plans marked "Received July 8, 1943", complying with the requirements therefor, except that the amount of storage of paints, thinners and lacquers shall not exceed 500 gallons; that the electric equipment shall be in accordance with the requirements for explosive occupancies; that the sprinkler system shall be maintained in accordance with the requirements and that a new certificate of occupancy shall be obtained for the present use.

272-43-A

APPLICANT—John M. Baker, for P. L. Andrews Corporation, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—78-08 Cooper avenue, south side, 848 ft. west of Dry Harbor road (Block 3803, Lot 14), Glendale, Borough of Queens.

APPEARANCES—

For Applicant: John M. Baker.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (272-43-A)

WHEREAS, John M. Baker, for P. L. Andrews Corporation, owner, filed June 3, 1943, an appeal from a decision of the acting borough superintendent, affecting premises 78-08 Cooper avenue, south side, 848 ft. west of Dry Harbor road (Block 3803, Lot 14), Glendale, Borough of Queens; and

WHEREAS, the decision of the acting borough superintendent, dated June 2, 1943, re Misc. Applic. 1433-43, reads:

"1. The erection of wood partitions in a fireproof building is contrary to sec. 10.9.2.5 of the Building Code.

2. The erection of a wood balcony in a fireproof building is contrary to sec. 10.9.2.5 of the Building Code.

3. The live load of proposed balcony is less than the minimum permitted by sec. 7.3.2.3 of the Building Code. Not further considered."

and

WHEREAS, the applicant states the building is three stories and basement (53 ft.) in area; 180 ft. 2 in. by 80 ft. 1 in. in area; Class 1 construction; erected in 1927; located in

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an unrestricted use district, equipped with a one-source sprinkler system and occupied: Basement, factory, 14 persons; 1st floor, same, 60 persons; mezzanine, storage, 1 person; 2nd floor, factory, 130 persons; 3rd floor, same, 160 persons and that no change in use or occupancy is proposed; and

WHEREAS, Violation 427-43 was issued for subdividing floor space with non-fireproof partitions in fireproof building and for erecting a wood balcony for storage without a permit; and

WHEREAS, the applicant contends that the wood and glass partition dividing the offices from the factory portion, was created in 1927 and 1928; that the partitions subdividing individual offices are wood and glass dwarf partitions 7 ft. high; that a suspended wood balcony on 1st floor is hung from iron inserts, embedded in the concrete slabs of the 2nd floor with $\frac{5}{8}$ in. and $\frac{3}{4}$ in. rods, through 4 in. x 4 in. L.L.Y.P. beams, 4 ft. on centers with plate and nut on bottom; that the floor of the balcony is constructed with 4 in. x 1 in. L.L.Y.P. dressed boards, 6 in. on centers, having 2-inch open spaces between each board; the balcony is constructed to sustain a live load of 40 lbs. and is used for storage of empty boxes and there is an occupancy of not more than one person on the balcony and concrete mezzanine at any time; that adequate aisles are maintained between tiers of boxes; that the owner is engaged in defense work and it would be a great hardship and disorganizing to their output if compelled to remove the partitions and the balcony at this time; and

WHEREAS, the premises were inspected by a committee of the Board.

Resolved, that the decision of the acting borough superintendent acting on Misc. Applic. 1433-43, be and it hereby is *modified* and that the appeal be and it hereby is *modified* as to objections 1, 2 and 3, *on condition* that the wood partitions and balconies shall be maintained only as proposed and shall not be extended in height or area and that within two (2) years such partitions and balconies shall be removed or reconstructed to comply with the requirements therefor; that the material stored on the balcony shall consist of empty boxes as proposed, which shall not be stacked nearer to the sprinkler piping than 18 inches; that the existing slotted floor shall be maintained substantially as indicated on plan filed with this appeal marked "Received June 3, 1943"; that aisles shall be maintained approximately at 4 ft. intervals; that the sprinkler system shall be maintained to the satisfaction of the fire commissioner; that such portable fire-fighting appliances shall be maintained on and under the balcony, as the fire commissioner shall direct; that the balcony shall be posted for 40 lbs. per square foot and shall at no time be loaded in excess thereof; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

277-43-A

APPLICANT—John E. Cahill, for Dominick Pandolfo, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—45-72 Kissena boulevard, west side, 25 ft. south of Holly avenue (Block 5148, Lot 35), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: John E. Cahill.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (277-43-A)

WHEREAS, John E. Cahill, for Dominick Pandolfo, owner, filed June 5, 1943 an appeal from a decision of the borough superintendent, affecting premises 45-72 Kissena boulevard,

west side, 25 ft. south of Holly avenue (Block 5148, Lot 35), Flushing, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated May 3, 1943 on Alt. Applic. 476-43 reads:

"1. The addition in frame of a frame dwelling more than 15 ft. in depth and wider than the existing bldg. within the fire limits is contrary to sec. 4.1.5 (3)." and

WHEREAS, the applicant states that the building is 2 stories (24 ft.) in height, 20 ft. by 44 ft. in area, of Class 4 construction, erected in 1923, located on a lot 50 ft. by 100 ft. in area in a business use, D area district and used and occupied: cellar—heating and storage—no persons; 1st floor—dwelling—1 family; 2nd floor—dwelling—1 family and that no change in use or occupancy is proposed; and

WHEREAS, Violation 701-43 was issued March 17, 1943 for erecting a frame extension 18 ft. by 20 ft. in area and altering the premises without a permit; and

WHEREAS, the applicant contends that the exterior dimensions of the extension in question are 22 ft. in width by 16 ft. in depth; that the building is surfaced on the exterior with $\frac{1}{2}$ inch Flintkote Insulbrick on $\frac{7}{8}$ inch sheathing with asphalt shingled roofing; that the extension will be part of the first floor apartment and will be utilized by the owner and his family; that the extension was constructed without filing plans and obtaining a permit; that in view of the fact that the extension is 3 ft. 6 in. from the south lot line and has a minimum side yard of 24 ft. 6 in. along the north lot line and is surfaced on the exterior with incombustible materials, it is requested that the Board permit it to continue.

Resolved, that the decision of the borough superintendent on Alt. Applic. 476-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall not be increased in height or area; that the building shall be continued for residential use only and that the construction shall be as required for a similar building, when located outside of the fire limits.

286-43-A

APPLICANT—Delbert T. Clarke, for Delbert and Hattie Clarke, owners.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—171-43 107th avenue, north side, 20 ft. west of 172nd street (Block 10241, Lot 56), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Delbert T. Clarke and Hattie Clarke.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (286-43-A)

WHEREAS, Delbert T. Clarke, for Delbert T. and Hattie Clarke, owners, filed on June 10, 1943, an appeal from a decision of the borough superintendent, affecting premises 171-43 107th avenue, north side, 20 ft. west of 172nd street (Block 1024, Lot 56), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated May 28, 1943, on Alt. Application 738-43, reads:

"1. Proposed use of frame building for business purposes is contrary to Section 4.1.5. B.C." and

WHEREAS, the applicant states that the building is two stories (24 ft.) in height; 16 ft. by 44 ft. in area; of Class 4 construction, erected 1914; located in a business use, D area district, and used as follows: cellar, heating, first and second floors, dwelling, one family; that it is proposed to be used as follows: cellar, same; first floor, beauty parlor on porch and dwelling in connection with the second story, total beauty parlor and dwelling, one family; and

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WHEREAS, the applicant contends that the building is brick filled between studs and insulated on the outside; that the porch is well ventilated and equipped with 7 windows and a door; that the business proposed will be limited to a few old customers from a business which the owner had for 20 years and was forced to give up, due to the impossibility of obtaining help and that the only work done to the building, will be the installation of one basin with running water and one five inch gas stove for heating curling iron.

Resolved, that the decision of the borough superintendent on Alt. Applic. 738-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the business use shall be restricted to the area as proposed and that the balance of the building shall be occupied by one family only, and that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

318-43-S

APPLICANT—Horni Signal Manufacturing Corp., lessee, for Manitou Realty Corp., owner.

SUBJECT—Variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—416-422 West 45th street, south side, 225 ft. west of Ninth avenue (3rd floor); (Block 1054, Lot 42), Borough of Manhattan.

APPEARANCES—

For Applicant: Herbert Hessler.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.... 4

Negative 0

THE RESOLUTION (318-43-S)

WHEREAS, Horni Signal Manufacturing Corporation, lessee, for Manitou Realty Corporation, owner, filed June 28, 1943, an application for variation of the requirements of the Labor Law as cited in a decision of the fire commissioner, affecting 416-422 West 45th street, south side, 225 ft. west of Ninth avenue (3rd floor); (Block 1054, Lot 42), Borough of Manhattan; and

WHEREAS, the decision of the fire commissioner dated June 10, 1943, reads:

"In reply to your request to install panic bolts on the doors to exit stairways of 420 West 45th street, Manhattan, you are advised as follows:

Section 272, subdivision 3 of the State Labor Law requires that no door leading into or out of any factory shall be locked, bolted or fastened during working hours. Therefore your request must be denied."

and

WHEREAS, the applicant states that the building is 4 and 7 stories (48 and 83 ft.) in height; 100 ft. by 89 ft. in area; of Class 1 and Class 3 construction; erected 1917; located in an unrestricted use district and used as follows: cellar, storage; first floor, winery and warehouse, 8 persons; second floor, machine shop and storage, 6 persons; third floor, manufacturing tools and dies, 70 persons; fourth floor, machine shop, 9 persons; fifth floor, machine shop, 20 persons; sixth floor, vacant; seventh floor, machine shop, 12 persons; that the building is equipped with a one-source sprinkler system, interior fire alarm system and 3 interior stairs extending from roof bulkhead directly to street, enclosed in brick partitions, equipped with kalamein self-closing doors and one fire escape at rear extending to roof by ladder and to street through westerly portion of the building and that the windows on the course are wire glass kalamein frames and sash; and

WHEREAS, the applicant contends that upon recommendation of the Second Service Command, A. S. F. No. 1, panic bolts were installed on the 3 stair doors on the third floor of the building, as indicated on plans filed with this application; and

WHEREAS, applicant has filed copy of recommendation of the U. S. Army Plant Security Officer, indicating the desirability of maintenance of panic bolts on the three stair tower doors on the third floor of the building in question; and

WHEREAS, the records of the Fire Prevention Division indicate that there is no interior fire alarm system in the building.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the fire commissioner dated June 10, 1943, and that the application be and it hereby is *granted on condition* that panic bolts shall be installed only on the exit stairways on the third floor as proposed; that such panic bolts shall be of an approved type; that this variance shall continue only during the term of the present emergency; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as modified under Calendar 1457-17-A.

320-43-S

APPLICANT—Horni Signal Manufacturing Corp., lessee, for Rector, Church Wardens and Vestrymen of Trinity Church, City of New York, owner.

SUBJECT—Variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—304-322 Hudson street, east side, from Spring to Van Dam streets, 279-291 Spring street and 62-74 Van Dam street (2nd floor); (Block 579, Lot 47), Borough of Manhattan.

APPEARANCES—

For Applicant: Herbert Hessler.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (320-43-S)

WHEREAS, Horni Signal Manufacturing Corporation, for Rector, Church Wardens and Vestrymen of Trinity Church, City of New York, owner, filed June 28, 1943, an application for variation of the requirements of the Labor Law as cited in a decision of the fire commissioner, affecting premises 304-322 Hudson street, 279-291 Spring street, and 62-74 Van Dam street (2nd floor); (Block 579, Lot 47), Borough of Manhattan; and

WHEREAS, the decision of the fire commissioner dated June 10, 1943, reads:

"In reply to your request to install panic bolts on the doors to exit stairway of 304-322 Hudson street, Manhattan, you are advised as follows:

Section 272, subdivision 3 of the State Labor Law requires that no door leading into or out of any factory shall be locked, bolted or fastened during working hours."

and

WHEREAS, the applicant states the building is 8 stories (100 ft.) in height, 215 ft. by 160 ft. in area; of Class 3 construction; erected 1898, located in an unrestricted use district and used and occupied as follows: cellar, bookbinding, 75 persons; 1st floor, metal sales and bookbinding, 24 persons; 2nd floor, manufacturing signals, 340 persons; 3rd floor, machine shop and manufacturing paper cartons, 100 persons; 4th floor, manufacturing paper cartons, 85 persons; 5th floor, bookbinding, 100 persons; 6th floor, bookbinding, 100 persons; 7th floor, bookbinding, 75 persons; 8th floor, bookbinding and optical manufacturing, 25 persons; that the building is equipped with one-source sprinkler system, a standpipe system and interior fire alarm system and four 4 ft. wide fireproof stairs leading from roof bulkhead with egress from termination of two such stairs di-

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rect to street; that the building is also equipped with 3 fire escapes extending to roof by ladder and to grade by ladder and that the windows on the course are wire glass kalamein sash; and

WHEREAS, the applicant contends that this application was based on the recommendation made by the Second Service Command, A.S.F., District No. 1, to provide panic bolts to assist in the prevention of acts of sabotage; that these panic bolts will be installed on the doors leading to 3 stairways on the second floor; and

WHEREAS, the applicant has filed copy of recommendation of the U. S. Army Plant Security Officer, dated June 4, 1943, recommending the desirability of the maintenance of panic bolts on the three stair tower doors on the second floor of the building in question; and

WHEREAS, the records of the Fire Prevention Division indicate that the building is not equipped with an interior fire alarm system.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the Labor Law as cited in a decision of the fire commissioner dated June 10, 1943 and that the application be and it hereby is granted on condition that panic bolts shall be installed only on doors leading to such stairs as are marked on the plans "Received June 28, 1943"; that such panic bolts shall be of an approved type; that this variance shall continue only during the term of the present emergency; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that the sprinkler system and standpipe system shall be maintained to the satisfaction of the fire commissioner.

323-43-S

APPLICANT—Kollsman Instrument Division of Square D Co., lessee, for Defense Plant Corp., owner.

SUBJECT—Appeal from an order and decisions of the fire commissioner.

PREMISES AFFECTED—80-06 47th avenue, south side, 433 ft. west of 82nd street (Block 1536, Lots 53, 55 and 58), Elmhurst, Borough of Queens.

APPEARANCES—

For Applicant: John L. Leslie.

For Administration: Thomas A. Larkin, Fire, Dep't.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4

THE RESOLUTION (323-43-S)

WHEREAS, Kollsman Instrument Division of Square D Company, lessee, for Defense Plant Corporation, owner, filed June 28, 1943, an application for variation of the requirements of the labor law as cited in an order and decisions of the fire commissioner, affecting premises 80-06 47th avenue, south side, 433 ft. west of 82nd street (Block 1535, Lots 53, 55 and 58), Elmhurst, Borough of Queens; and

WHEREAS, Order 10167-LF, issued by the fire commissioner March 24, 1943, reads:

"An inspection of the premises 80-06 47th avenue, Elmhurst, Borough of Queens, shows that a fire drill should be established and maintained, therein according to the requirements of Section 279 of the Labor Law."

and

WHEREAS, said order was referred to in decision of the fire commissioner dated May 5, 1943 and June 16, 1943; and

WHEREAS, the applicant states that the building is five stories, and pent house (79 ft.) in height; 200 ft. by 100 ft. 10 in. in area; of Class 1 construction; erected in 1942; located in an unrestricted use district and used and occupied as follows: cellar, boiler room and storage, no persons; 1st floor, manufacturing aircraft instruments, 250 persons; 2nd floor, same, 200 persons; 3rd floor, same, 250 persons; 4th floor, same, 200 persons; 5th floor same, 200 persons; pent house, air conditioning and elevator machinery, no per-

sons; for which Certificate of Occupancy Q28651, was issued March 5, 1943; that the building is equipped with a two-source sprinkler system, a standpipe system, interior fire alarm system and fire drills are not maintained; that there are two 66 in. wide fireproof stairs one of which leads to roof and both lead directly to the street; and

WHEREAS, the applicant contends that to comply with the fire commissioner's order, would require complete evacuation of the building during the fire drill; that it is requested to be relieved of this requirement for complete evacuation, as it will create interruptions in production; that the work conducted is on metal and non-combustible materials, on precision instruments for the Government; that the small amount of combustible materials are for cleaning and are used in protectol seal containers; that if the building is evacuated during fire drills, it will be necessary to shut off the power on all machines, which would allow the machines to cool down and lose their accuracy, which is important in precision work; that a fire brigade and defense group has been organized with exit control men assigned to each exit, which is adequate in the event of emergency; and

WHEREAS, the applicant has filed a copy of the communication from the Defense Plant Corp. requesting the waiver of strict compliance with the Labor Law in this respect.

Resolved, that Order 10167-LF of the fire commissioner be and it hereby is affirmed and that the application be and it hereby is denied.

344-43-A

APPLICANT—Murray Klein, for Rosenberg Brothers, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—165 West 10th street, north side, 31 ft. 5/8 in. east of Seventh avenue (Block 611, Lot 33), Borough of Manhattan.

APPEARANCES—

For Applicant: George D. Scott.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (344-43-A)

WHEREAS, Murray Klein, for Rosenberg Bros., owner, filed July 7, 1943, an appeal from a decision of the borough superintendent, affecting premises: 165 West 10th street, north side, 31 ft. 5/8 in. east of Seventh avenue (Block 611, Lot 33), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated June 30, 1943, re Misc. Applic. 527-43, reads:

"2. Supply for Sprinkler system to be as per Section C26-1375.0 Bldg. Code 15.4".

and

WHEREAS, applicant states the building is 2 stories (33 ft. 8 in.) in height, 22 ft. 1/2 in. by 74 ft. 6 3/4 in. and 43 ft. 7 3/4 in. in area; Class 3 construction; erected in 1930; located in an unrestricted use district; proposed to be occupied for storage and pyroxaline vault in the cellar, 2 persons; 1st floor, manufacturing pyroxaline and casein products, 15 persons; 2nd floor, same, 15 persons; as permitted by the Board under Cal. 264-43-S; and

WHEREAS, applicant contends that under Cal. 264-43-S, the Board granted a variation of the Labor Law, so as to permit the use of building as proposed; at that time it was stated to the Board that the building would be equipped with a sprinkler system. Misc. App. 527-43 was filed with the borough superintendent for the installation of a one-source sprinkler system fed from a 4 in. connection to an existing 20 in. main located in West 10th street; that the Borough Superintendent objected to the source of supply,

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on the grounds it did not comply with the requirements of C26-1375.0 of Admin. Code; that in lieu of strict compliance with the latter, which requires in an occupancy of this type, that the sprinkler system be supplied from two of the automatic sources of a type described in Sec. C26-1351.0 and consisting of a gravity tank and pressure tank supplies or two gravity tanks, it is proposed to feed the sprinkler system by two 4 in. connections to existing 20 in. mains, one of which is in the bed of West 10th street and the other in 7th avenue; that these sources of supply are deemed adequate for the reason that the 20 in. main in West 10th street is fed from a 48 in. main on Fifth avenue; that the 20 in. main on 7th avenue is fed from a 20 in. diameter main located in West 12th street, which is fed directly from Gansevoort pumping station; that it is submitted, the proposed connections to city mains are an adequate source of supply for the system proposed, in view of the fact each of the mains is equipped with shut-off valves, so that if one main should break, an adequate source of supply would remain, as indicated on plan filed with this appeal; that also, an adequate number of high and low pressure hydrants are located in close proximity to the building in question and in view of the small area of the building, the fireproof construction of the 1st tier, the small occupancy and the adequacy of the exits, as previously permitted by the Board, it is requested the variation be granted.

Resolved, that the decision of the borough superintendent on Misc. Applic. 527-43, Objection 2, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the sprinkler system shall have two separate street connections in lieu of the requirements of C26-1375.0; that such connections shall be one from the 20 in. main in West 10th street and one from the 20 in. main in 7th avenue; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as modified by the Board under Cal. 264-43-S and the vault for the storage of the pyroxaline products shall comply with all the requirements therefor and that not more than 1,000 lbs. of such pyroxaline products shall be stored within the vault at any one time.

350-43-S

APPLICANT—Norman Macbeth, for S. Karpen and Brothers, Inc., owner (Hellige, Inc., lessee).

SUBJECT—Variation of the labor law as cited in a decision of the acting borough superintendent and a decision of the fire commissioner.

PREMISES AFFECTED—37-02 to 37-42 Northern boulevard, south side, 10 ft. east of 39th street westerly half of 4th floor (Block 214; Lot 40), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Norman Macbeth.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (350-43-S)

WHEREAS, Norman Macbeth, for S. Karpen and Brothers, Inc., owner (Hellige, Inc., lessee), filed July 9, 1943, an application for variation of the labor law as cited in a decision of the acting borough superintendent and a decision of the fire commissioner, affecting premises 37-02 to 37-42 Northern boulevard, south side, 10 ft. east of 39th street (westerly half of 4th floor); (Block 214, Lot 40), Long Island City, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated June 23, 1943, re Misc. Applic. 1638-43, reads.

"1. Proposed installation of panic bolts in a required exit is contrary to sect. 272 of the Labor Law."
and

WHEREAS, the decision of the fire commissioner, dated June 16, 1943, reads:

"In response to your letter of June 4th with respect to the installation of panic bolts on the exit doors of your factory, you will please be advised that such procedure would be contrary to the provisions of the Labor Law. Therefore, your application must be denied."

and

WHEREAS, applicant states the building is 6 stories (85 ft.) in height, 485 ft. by 73 ft. and 135 ft. in area; Class 1 construction; erected in 1926; located in an unrestricted use district and occupied: Subcellar, boiler room; cellar, storage, 3 persons; 1st floor, loading platforms and offices; 2nd floor, classroom, office, shipping and manufacturing scientific instruments, 350 persons; 3rd floor, manufacturing scientific instruments, 100 persons; 4th, 5th and 6th floors, same, 215, 100 and 100 persons, respectively; that the building is equipped with a 2-source sprinkler system, a standpipe system and is being equipped with an interior fire alarm system in compliance with Order 9537-LF and fire drills will be maintained and that there are 3 interior 6 ft. wide fireproof stairs leading from roof to street; and

WHEREAS, the applicant contends that panic bolts have been installed on the doors leading from east and west fire towers on the 4th floor, to prevent sabotage at the direction of the Plant Security Officer of the U. S. Army and it is requested the Board grant permission for the maintenance of these two panic bolts; and

WHEREAS, applicant has filed copy of communication from the Plant Security Officer recommending the use of the bolts in question; and

WHEREAS, Certificate of Occupancy 1591 issued February 8, 1926, permits the use of the building as a factory with no number of occupants listed.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the borough superintendent on Misc. Applic. 1638-43, Objection 1, and that the application be and it hereby is *granted on condition* that the panic bolts shall be installed only on the doors as proposed on the four floors as indicated on plan marked "Received July 9, 1943"; that such panic bolts shall be of approved type; that this variance shall continue only during the term of the present emergency; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that the sprinkler and standpipe systems, interior fire alarm system (being installed in compliance with the order of the fire commissioner, No. 9537-LF), and fire drills shall be maintained in accordance with the requirements and to the satisfaction of fire commissioner; that the occupancy of the building shall not exceed that lawfully permitted for the exits with allowance for the interior fire alarm system; that a new certificate of occupancy shall be obtained to supersede Certificate of Occupancy 1591.

770-42-A

APPLICANT—Harold Wyman, for Minnesota Mining and Manufacturing Co., owner.

SUBJECT—Application for consideration—reopening and amendment to resolution re packaging, storage and distribution of combustible mixtures known as "3M Rapid Drying Floor Sealer" and "3M Buffing Polish" in one-gallon glass bottles (capacity of glass bottles not in conformity with the Administrative Code Specifications); (previously granted on condition re packaging, storage and distribution of combustible mixture known as "3M Wax Finish" in one-gallon glass bottles).

APPEARANCES—

For Applicant: Harold Wyman.

ACTION OF BOARD—Appeal reopened and resolution amended.

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THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (770-42-A)

WHEREAS, this appeal from a decision of the fire commissioner, relative to packaging, storage and distribution of combustible mixture known as "3M Wax Finish" in one-gallon glass bottles, was granted by the Board on February 16, 1943 on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted February 16, 1943, so that as amended, this resolution shall read:

"Resolved, that the decision of the fire commissioner dated October 30, 1942, be and it hereby is modified and that the appeal be and it hereby is granted to permit products known as 3M Wax Finish, 3M Rapid Drying Floor Sealer and 3M Buffing Polish, now certified by the Fire Department as combustible mixtures under certificate of approval 933, to be marketed in glass jugs as proposed with capacity of approximately 1 gallon, on condition that such jugs shall bear the labels required by the Administrative Code and worded to the satisfaction of the fire commissioner; that this variance shall be for a term of six (6) months from the date of this amended resolution, subject to renewal upon application to the Board pending application to be filed by the Anchor Hocking Glass Corporation for general test and approval of glass bottles and glass containers of various sizes."

APPLIANCE AND MATERIAL SUBMITTED FOR APPROVAL

179-43-SM

APPLICANT—Central Station Signals, Inc., for The Protectowire Co., owner.

SUBJECT—Protectowire (Heat sensitive cable), approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Laid over to July 20, 1943 at 2 P. M. for further consideration.

313-41-SA

APPLICANT—Spacarb, Incorporated, owner.

SUBJECT—Application reopened June 15, 1943 for approval of additional Models VACGP 42, VACGP 42T, VACGP 42W, VACGP 42SD and VACGP 42TSD re Spacarb Automatic Carbonated Beverage Dispenser, previously approved.

APPEARANCES—

For Applicant: Ross J. Castles.

ACTION OF BOARD—Resolution amended in accordance with report of Committee on Tests.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (313-41-SA)

WHEREAS, this application for approval of the Spacarb Automatic Carbonated Beverage Dispenser, was approved by the Board on July 8, 1941, on certain conditions and the applicant requested an amendment of the resolution, for approval of additional models; and

WHEREAS, this case was reopened by vote of the Board on June 15, 1943 and referred to the Committee on Tests, of the Board, for test and report; and

WHEREAS, the report of the Committee on Tests, reads as follows:

REPORT OF COMMITTEE ON TESTS

July 9, 1943.

Re: Cal. 313-41-SA.

Subject: Spacarb Automatic Beverage Dispenser—Approval of Additional Models, UACGP-42, 42T, 42W, WTSD, 42TSD.

The Board of Standards and Appeals under date of July 8, 1941, approved the Spacarb Automatic Beverage Dispenser. The dispenser unit consisted of a small Frigidair containing about two pounds of Freon 12, a cooling bath of water, a container for syrup or Coca Cola, a cylinder of CO₂ and a container in which the syrup or Coca Cola is carbonated. The normal CO₂ pressure was 30 lbs. Request was made for a reopening of this application to include the approval of additional models listed herein and the application was reopened June 15, 1943.

Description—These models are known as UACGP-42; UACGP-42T; UACGP-42W; UACGP-42SD and UACGP-42TSD.

DESCRIPTION

All of the above models are similar in design. Models with suffix letters "SD" are single drink dispensers, the other models are multiple drink dispensers. The machine is designed to refrigerate and carbonate water and to dispense the carbonated water and one of three flavors of syrup into a paper container upon receipt of a proper coin in the coin-selector mechanism and selection of the flavor desired.

It incorporates a conventional compression type of refrigerating system containing approximately 34 oz. of Freon 12 as refrigerant. The refrigerant system is of the constant pressure type and is designed to refrigerate the dispensing faucet, syrup pre-cooling chamber, water cooler and carbonator assembly and a 20-gal reserve water container. The assembly includes a 20-gal. fresh-water container and a water pump assembly, which is controlled by a pressure-operated switch that is attached to the water equalizer tank. The water equalizer tank supplies water to the cooler and carbonator assembly at a constant pressure through a pressure regulator. A faucet dispensing mechanism dispenses the carbonated water which is mixed as it leaves the faucet with any one of three flavors of syrup contained in three tanks, each holding 3½ gal. of syrup. The flavor selector mechanism is designed so that the flavors being dispensed may be changed or selected any time during the approximate 4-sec. flowing time of the finished drink. The faucet dispensing mechanism is operated by solenoids which are supplied current for an adjustable length of time from a timer mechanism which is operated by a coin switch on the coin chute. The drink is dispensed into a paper cup which is supplied by a cup dispensing mechanism operated by a solenoid which is controlled by a coin-operated switch on the coin chute.

A 20-lb carbon dioxide I.C.C. cylinder with proper regulator is used for carbonating. The cylinder is installed in the cabinet from the back of the machine, the back being removable.

The system is completely self-contained and readily portable and is provided with a plug-in service cord for attachment to a convenient outlet. No external water connections are necessary. The cabinet is provided with casters.

Rating. The system is designed for a.c. 110 v. 60 cy only. The system incorporates a compressor motor rated at 110 v. 60 cy, ¼ hp. 4.0 amp. (Some machines are equipped with 1/3 hp. compressor motors rated at 110 v. 60 cy, 5.0 amp.) A water pump motor rated at 110 v. 60 cy, ¼ hp. 4 amp. is employed. The lighting load is 1 amp. The total current load of the system is 10 or 11 amp. at 110 v. a.c.

Refrigeration System—The refrigeration system comprises a conventional condensing unit consisting of mo-

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tor-operated vertical reciprocating compressor, air-cooled condenser, and high-side float refrigerant control. The motor is automatically controlled by a low pressure refrigerant controller. A back-pressure constant pressure valve is provided in the system.

Carbon Dioxide and Water System—The refrigerated water tank serves as a reservoir for the water which is to be carbonated and cooled. A motor-operated water pump is controlled by a pressure switch set to cut off at 110 psi. A by-pass in the pump restricts the maximum water pressure to 125 psi. In the equalizer tank an air cushion is provided above the water by a hand pump before the machine is placed in operation. This pressure is raised to 55 psi. From the equalizer the water enters the carbonator through a water regulator and the carbonated and refrigerated water is then conducted to the faucet.

The carbon dioxide cylinder is provided with a pressure regulator by the user. This regulator is set at 85 psi. A pop type relief valve set at 90-95 psi is provided at the outlet of the regulator. The carbon dioxide is introduced above the syrup in the syrup tank and serves as a means of forcing the syrup around to the faucet. A second pressure regulator is provided by which the pressure in the syrup tank is maintained at 17 psi. The carbon dioxide entering the carbonator is restricted by a Mason expansion valve which has an adjustment to control the amount of carbon dioxide.

OPERATION

The sequence of operations of the dispensing system is as follows: A coin is first inserted in the slot and a selector button pressed. This operation results in momentarily closing the coin release relay circuit, permitting the coin to drop and contact successively two trip switches. The first trip switch momentarily actuates the cup release solenoid which in turn operates the cup release linkage and drops a cup under the faucet. The second trip switch momentarily closes the timer switch relay, and starts the timer motor. Simultaneously, the low voltage circuit through the timer switch low voltage contact, selector switch, and low voltage relay is completed. Operating the low voltage relay closes the particular micro switch which controls the solenoid valve in the faucet, corresponding to the selected drink, opening the faucet valve. The mixture of

refrigerated and carbonated water and syrup flows into the cup until the timer motor switch is actuated after about 4 sec.

When the supply of cups is out a red light appears and the sold out relay is de-energized, causing the coins to be returned.

These models have been tested and approved by the Underwriters Laboratories, Inc., Lab. File No. SQ 801. Inspection and test of these models was made by the Committee on Tests at 161 Grand Street, June 15, 1943 and the apparatus was found to operate satisfactorily.

RECOMMENDATION

On the basis of these inspections and tests, it is recommended that the resolution adopted by the Board July 8, 1941, be amended to include the approval of the additional models, UACGP-42, UACGP-42T, UACGP-42W, UACGP-42SD and UACGP-42TSD, provided that the identification and inspection requirements as given in the resolution of the original approval granted by the Board on July 8, 1941, is also applied to these additional models.

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 8, 1941, by including in its approval of the Spacarb Automatic Carbonated Beverage Dispenser, Models UACGP-42, UACGP-42T, UACGP-42W, UACGP-42SD and UACGP-42TSD, in accordance with the above report.

Recessed at 5:15 P. M. to Wednesday, July 14, 1943 at 10. A. M.

Reconvened on July 14, 1943 at 10 A. M., adjourned at 11:20 A. M.

JOSEPH J. DOYLE, Chief Clerk.

FORMS FOR NOTICE TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such

copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

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THE VARIOUS BUILDING LAWS OF THE CITY OF NEW YORK ARE NOW published in FOUR SEPARATE VOLUMES, consisting of matters affecting or relating to the construction, maintenance, alteration, demolition or removal of structures and buildings in the City of New York; including excerpts from the STATE LABOR LAW, the PLUMBING CODE, ELEVATOR RULES, THE NEW YORK CITY CHARTER, the complete BUILDING CODE OF THE CITY OF NEW YORK; the MULTIPLE DWELLING LAW, the STATE PLASTERING LAW, various local laws, and building and construction rules and regulations adopted by various City and State agencies.

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BULLETIN

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CITY OF NEW YORK

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, Chief Clerk

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OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.

Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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In the Matter of 165 West 71st St., Inc. (Murdock)—Under Cal. No. 791-42-A the Board denied an appeal to review the decision of the Borough Superintendent, who had refused to permit one of two buildings which had been occupied jointly as a multiple dwelling to be occupied as an independently operated multiple dwelling. Under a previous appeal, Cal. No. 838-23-A, the Board had permitted the two buildings to be occupied jointly with exits common to both sections; premises 165 West 71st Street, Borough of Manhattan.

Upon court review, Mr. Justice Bernstein at Special Term, Supreme Court, affirmed the decision of the Board, stating in part as follows:

"The two buildings involved in the proceedings were, on the application in 1923 of the then common owner, converted into one single dwelling. They have ever since been occupied as one single dwelling with one certificate of occupancy. They have since 1938 been classified as a heretofore erected Class A multiple dwelling. They thus constitute but one multiple dwelling which cannot be transformed into two by a change of the one common ownership into two separate ownerships. Section 8 of the Multiple Dwelling Law provides that "No dwelling shall be altered so as to be in violation of any provision of this chapter relating to like class and kind of dwelling." Section 13 of the law provides that "should the use or character of any such dwelling (heretofore erected) be hereafter altered or converted, such dwelling shall be required to comply with the provisions of Section Eight of this Chapter." Those provisions relate to the particular dwelling heretofore known as Nos. 165-167 West Seventy-first street and not to but one portion of it. To permit the alteration of the petitioner's portion of the dwelling would not only destroy the use to which the other portion of the building is presently being applied or compel its owner to conform to all the provisions of the Multiple Dwelling (Law) relating to buildings erected after 1929, but require the board to vary those clear provisions of the law. This is expressly forbidden by the statute (Multiple Dwelling Law, Sec. 9; Administrative Code, Sec. 666 (6)-2.0) * * * (N. Y. L. J. May 26, 1943).

Upon review by the Appellate Division of the First Department, the determination of the Board was annulled and the Borough Superintendent of the Department of Housing and Buildings was directed to issue the necessary permits and a certificate of occupancy if all legal requirements have been complied with. (N. Y. L. J., July 3, 1943).

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

CALENDAR

DOCKET

New Cases Filed up to July 20, 1943.

Cal. No. Dept. Premises Affected

361-43-A—H.B.R.—16 Central avenue, west side, 134.62 ft. south of Hyatt street (Block 6, Lot 75), St. George, Borough of Richmond, Decision re Revocation of C.O.3419-42.

362-43-S—F.D.—2-62 51st avenue, southwest corner of Fifth street (Block 15, Lot 24), Long Island City, Borough of Queens, Decision.

363-43-A—H.B.B.—41-69 Clark street, 92-100 Henry street, 46-82 Pineapple street and 101-121 Hicks street, entire block (25th and 27th floors); (Block 231, Lot 1), Borough of Brooklyn, Alt. 832-43.

364-43-A—H.B.Bx.—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx, Alt. 72-43, Amendment.

365-43-A—H.B.Bx.—934 Gun Hill road, south side, 125 ft. west of Colden avenue (Block 4635, Lot 32), Borough of The Bronx, Alt. 217-43, Amendment.

366-43-A—F.D.—North side of Grand Central parkway at 94th street, west wing of Hangar No. 5, La Guardia Airport (Block 926, Lot 1), Jackson Heights, Borough of Queens, Decision.

367-43-A—F.D.—366-370 Fifth avenue, 2 West 35th street, southwest corner and 1 West 34th street, north side, 100 ft. west of Fifth avenue (Block 836, Lots 43 and 33), Borough of Manhattan, 16797-L.F., 16808-L.F. and Decisions.

368-43-SA—Grafiibre Gib for Elevator Guide-Rail Shoe, Appliance.

369-43-A—H.B.B.—1764-1768 and 1770 Circumferential parkway, northwest corner of Bay 37th street (Block 6942, Lots 17 and 92), Borough of Brooklyn, Misc. 1459-43.

370-43-A—H.B.B.—852-874 Jamaica avenue and 2-20 Hemlock street, southwest corner (Block 4106, Lot 39), Borough of Brooklyn, C.O. Applic. 1314-43 and Decision.

Restored to Calendar.

282-35-BZ—H.B.B.—1159-1167 Utica avenue and 5002-5010 Clarendon road, southeast corner (Block 4771, Lot 1), Borough of Brooklyn, Alt. 776-43.

82-43-BZ—H.B.B.—1232-1254 Avenue Z, 2602-2644 East 13th street, southwest corner and 2601-2649 Homecrest avenue (Block 7457, Lots 1 and 15), Borough of Brooklyn, B.N. 990-42, Amendment.

190-43-A—H.B.Bx.—785 Westchester avenue, west side, 272.46 ft. north of Tinton avenue (Block 2655, Lot 22), Borough of The Bronx, Alt. 74-43, Amendment.

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

RULES

Last Publication in Bulletin

Blended Cements, Rules for Testing and Use of	Nov.	24, 1942—Vol. 27, No. 47
Carbon Dioxide Liquefier, Rules	June	22, 1943—Vol. 28, No. 25
Certificates of Occupancy, approved form	Nov.	25, 1941—Vol. 26, No. 47
Concrete Flat Slabs, Rules	July	13, 1937—Vol. 22, No. 28
Concrete Masonry Units, Rules for Manufacture, Testing and Use of	June	24, 1941—Vol. 26, No. 25
Concrete Rules (Hydrated Lime)	Aug.	3, 1937—Vol. 22, No. 31
Elevator Rules	Mar.	3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors)	June	15, 1937—Vol. 22, No. 24
Factory Exit Rules	Feb.	2, 1943—Vol. 28, No. 5
Fire Alarm Rules (Interior)	June	8, 1943—Vol. 28, No. 23
Fire Drill Rules	May	25, 1943—Vol. 28, No. 21
Fire-resistive, Flameproof Materials, etc., Rules for Testing of	June	1, 1943—Vol. 28, No. 22
Fire Retarding Rules for Garages, etc.	Dec.	16, 1941—Vol. 26, No. 50
Fireproof Wood, Testing of	Apr.	13, 1937—Vol. 22, No. 15
Frame Garages, Ruling for	Jan.	21, 1919—Vol. 4, No. 3
Fusion Welding and Gas Cutting Rules	Apr.	27, 1943—Vol. 28, No. 17
Gas Shut-Off Rules	Apr.	7, 1925—Vol. 10, No. 14
Hatchway Protection	June	5, 1928—Vol. 13, No. 23
Insulating Fibre Board Rules	Mar.	23, 1943—Vol. 28, No. 12
Oil Burner Rules	July	13, 1943—Vol. 28, No. 28
Opening Protective Assemblies, Rules for Inspection of	July	27, 1943—Vol. 28, No. 30
Paint, Varnish and Lacquer Spraying Rules	July	13, 1943—Vol. 28, No. 28
Platform Trucks, Specifications for	Nov.	24, 1936—Vol. 21, No. 47
Plumbing Rules	Aug.	3, 1937—Vol. 22, No. 31
Plumbing Rules (Submerged Inlets: Protective Methods to Prevent Contamination of Water Supply)	Dec.	15, 1942—Vol. 27, No. 50
Procedure, Rules of	Sept.	7, 1937—Vol. 22, No. 36
Refrigerating Systems, Extract A.C.	Aug.	26, 1941—Vol. 26, No. 34
Smoking in Factories, Rules for	June	1, 1943—Vol. 28, No. 22
Sprinkler Rules	June	29, 1937—Vol. 22, No. 26
Standpipe Fireline Rules	June	8, 1937—Vol. 22, No. 23
Structural Alterations, Reporting	June	7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc.	Nov.	24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.	Nov.	24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr.	10, 1923—Vol. 8, No. 15

Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

JULY 27, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 27, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

86-43-BZ—Application, February 26, 1943, under section 7h of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Genevieve Marchione, owner, to permit in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises 575-587 East New York avenue, north side, 134 ft. 6 in. west of Kingston avenue (Block 1332, Lots 51 and 54), Borough of Brooklyn.

273-43-BZ—Application, June 4, 1943, under sections 7c and 21 of the zoning resolution, of Lama and Proskauer, applicants, on behalf of East New York Savings Bank, owner, to permit in a residence use district, the conversion of occupancy of a building from marble works to factory (light manufacturing and not contrary to Section 4(a) of the Zoning Resolution); premises 965-967 Hopkinson avenue, east side, 260 ft. south of Lott avenue and 576-578 Bristol street (Block 3623, Lot 19), Borough of Brooklyn.

CALENDAR

81-43-BZ—Application, February 24, 1943, under section 7c of the zoning resolution, of Raymond Irrera, applicant, on behalf of Bernhard Burger, owner, to permit in a residence use district, the extension, in area, of an existing factory building; premises 111-59 158th street, east side, 26.29 ft. south of 112th road (Block 12176, Lot 12), Jamaica, Borough of Queens.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

129-43-BZ—Application, March 25, 1943, under section 21 of the zoning resolution, of Jack Z. Cohen, applicant, on behalf of Robert B. Allport, owner, to permit in a residence use district, the erection and maintenance of a building for use as an office and storage and sale of used and new building materials, including structural iron and steel; premises 327-349 Withers street and 62-68 Devoise avenue, northeast corner (Block 2868, Lot 1), Borough of Brooklyn.

Appeals from Administrative Decisions.

99-43-A—195 Victory boulevard, north side, 149.96 ft. east of Pike street (Block 33, Lot 33), Tompkinsville, Borough of Richmond (reopened and restored to calendar, May 25, 1943; previously withdrawn).

92-43-A—102 Second place, south side, 25 ft. west of Court street (Block 366, Lot 27), Borough of Brooklyn.

32-43-A—77-52 74th street, west side, 89 ft. north of 8th avenue (Block 3811, Lot 29), Glendale, Borough of Queens.

46-43-A—87-86 188th street, west side, 100 ft. north of Hillside avenue (Block 9960 (1007), Lot 56 (1)), Hollis, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

JULY 27, 1943, 2 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, July 27, 1943, at 2 o'clock in Room 013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions.

38-42-A—311-315 West 34th street, north side, 200 ft. west of Eighth avenue (Block 758, Lot 28), Borough of Manhattan (reopened May 4, 1943).

86-43-A—154 Pilot street, north and south sides, between City Island avenue and Long Island Sound (Block 640, Lot 18 and Block 5641, Lot 90), Borough of The Bronx.

476-42-A—2553-2563 Atlantic avenue and 30-48 Alabama avenue, northwest corner (Block 3666, Lot 31), Borough of Brooklyn.

299-43-A—145-165 Wolcott street, south side, 125 ft. west of Conover street (Block 574, Lot 12), Borough of Brooklyn.

70-43-A—745-747 (749-751 displayed) Van Sinderen avenue, east side, 140 ft. north of Linden boulevard (Block 3865, Lot 9), Borough of Brooklyn.

119-43-A—735-745 (739-749 displayed) Van Sinderen avenue, east side, 140 ft. north of Linden boulevard (Block 3865A, Lot 9), Borough of Brooklyn.

134-43-A—1011-1013 Beach 20th street (rear), west side, 102 ft. north of Cornaga avenue and 1018-1020 Beach 21st street, east side, 143 ft. 6 in. north of Cornaga avenue (Block 212, Lots 1 and 9), Far Rockaway, Borough of Queens.

873-42-A—240 Kent avenue, southeast corner of North 1st street (Block 2377, Lot 11), Borough of Brooklyn.

910-39-A—107-111 Myrtle avenue, north side, 21 ft. west of Bridge street (Block 143, Lot 30), Borough of Brooklyn (reopened July 13, 1943).

278-43-A—Re transportation of liquefied petroleum gas known as "Propane" in tank truck in New York City (capacity of tank truck not in conformity with Administrative Code Specifications governing tank trucks).

393-42-A—273 Water street, southeast side, 77 ft. west of Dover street (Block 107, Lot 48), Borough of Manhattan (reopened and restored to calendar, March 30, 1943; previously withdrawn).

12-43-A—679 Broadway, west side, 25 ft. south of West 3rd street (Block 532, Lot 10), Borough of Manhattan.

322-43-A—34 35th street, south side, 260 ft. west of Third avenue (Building No. 4); (Block 691, Lot 1), Borough of Brooklyn.

898-42-A—358 East 145th street, south side, 91.41 ft. east of Third avenue (Block 2306, Lot 66), Borough of the Bronx.

26-43-S—466-468 Broome street and 56 Greene street, northeast corner (Block 485, Lot 40), Borough of Manhattan.

358-43-A—84-20 72nd drive (Right-of-way) south side, 206.41 ft. west of 88th street (Block 3837, Lot 6), Glendale, Borough of Queens (under section 36, General City Law—re building required to face a legal street).

123-43-A—121-135 Park avenue, 100 East 42nd street, southeast corner and 101 East 41st street (4th floor); (Block 1296, Lot 1), Borough of Manhattan.

723-42-A—330 East 51st street, south side, 138 ft. 9 in. west of First avenue (Block 1343, Lot 40), Borough of Manhattan (reopened and restored to calendar, May 4, 1943; previously withdrawn).

306-43-S—645 West 44th street, northeast corner of 12th avenue (Block 1092, part of Lot 7), Borough of Manhattan.

852-42-A—47-10 94th street, west side, 100 ft. north of Corona avenue (Block 1600, Lot 4), Elmhurst, Borough of Queens.

198-43-A—703 Bedford avenue, east side, from Wallabout to Lynch streets, (front building); (Block 2235, Lot 1), Borough of Brooklyn.

309-43-A—65-71 Clymer street, north side, 200 ft. west of Wythe avenue (1st floor); (Block 2167, Lot 18), Borough of Brooklyn.

CALENDAR

314-43-A—718-728 Atlantic avenue, south side, 275.2 ft. west of Carlton avenue (Block 1120, Lot 28); (2nd floor), Borough of Brooklyn.

327-43-A—382 Metropolitan avenue, south side, 118 ft. east of Havemeyer street (Block 2369, Lot 14 and part of Lots 12, 15, 16 and 17), Borough of Brooklyn.

345-43-A—115-123 Waterbury street and 265-281 Ten Eyck street, northwest corner (Block 3020, Lot 31), Borough of Brooklyn.

353-43-A—382-418 Seventh avenue, block bounded by Seventh avenue, West 31st street, Eighth avenue and West 33rd street (Block 781, Lot 1), Borough of Manhattan.

336-43-A—Re packaging of combustible mixture known as "Renuzit" in one-gallon glass jugs (capacity of glass jugs not in conformity with Administrative Code Specifications).

348-43-A—Re packaging and storage of combustible mixtures known as "Mobilgloss, Mobil Prewax Cleaner, Mobil Penetrating Oil, Mobil Dry Cleaner, Tavern Dry Cleaner, Sanilac Liquid Wax, Sanilac Penetrating Finish, Sanilac Super Sealer and Sanilac Floor Dressing" in one-gallon glass jugs; "Tavern Liquid Wax" in one-gallon and one-half gallon glass jugs and "Tavern Floor Wax, Sanilac Paste Wax and Mobilwax (hard)" in three (3) lb. glass jars (capacity of glass jugs and glass jars not in conformity with Administrative Code Specifications).

360-43-A—Re packaging of combustible mixture known as "Gulfspray" (insecticide) in one-gallon glass jugs (capacity of glass jugs not in conformity with Administrative Code Specifications).

373-43-A—Re transportation of Varsol Nos. 1 and 2 in Tank Truck (semi-trailer tractor) in New York City (capacity of tank not in conformity with Administrative Code Specifications covering Tank Trucks).

182-42-A—242 West 41st street, south side, 300 ft. east of Eighth avenue (Block 1012, Lot 49), Borough of Manhattan, (reopened and restored to calendar, October 27, 1942; previously withdrawn).

710-42-S—57-02 48th street (Block 24552, Lot 24), Maspeth, Borough of Queens.

52-43-A—645-669 73rd street, north side, 203 ft. 8 in. west of Seventh avenue and 656-674 72nd street (Block 5911, Lot 31), Borough of Brooklyn.

313-43-A—28 South 9th street, south side, 98 ft. east of Kent avenue (Block 2144, Lot 10), Borough of Brooklyn.

326-43-A—369-373 DeKalb avenue, northeast corner of Grand avenue (Block 1921, Lot 1), Borough of Brooklyn.

328-43-A—22 West 25th street, south side, 260 ft. 3 in. west of Broadway (Block 826, Lot 56), Borough of Manhattan.

252-42-A—296-302 7th street, south side, 214 ft. 4 in. west of Fifth avenue (Block 998, Lots 26, 28 and 29), Borough of Brooklyn, (reopened and restored to calendar, November 10, 1942; previously withdrawn).

268-43-S—47-39 Austel place (Anable avenue), northwest corner of 27th (Creek) street (Block 97, Lot 4), Long Island City, Borough of Queens.

129-42-A—32-14 Northern boulevard, southeast corner of Honeywell street (Block 214, Lot 210), Long Island City, Borough of Queens. (reopened and restored to calendar, February 24, 1943; previously withdrawn).

337-42-S—34-01 to 34-19 38th avenue, north side, from 34th to 35th streets (entire block); (Block 376, Lot 1),

Long Island City, Borough of Queens (reopened and restored to calendar, May 4, 1943; previously withdrawn).

339-43-A—476 Broadway, east side, 121 ft. south of Broome street and 38 Crosby street (7th and 8th floors); (Block 473, Lot 8), Borough of Manhattan.

343-43-A—93-101 Lexington avenue, north side, 275 ft. east of Classon avenue (Block 1967, Lots 64 and 65), Borough of Brooklyn.

366-43-A—North side, of Grand Central parkway at 94th street West Wing Hangar No. 5, LaGuardia Airport (Block 926, Lot 1), Jackson Heights, Borough of Queens.

367-43-A—366-370 Fifth avenue, 2 West 35th street, southwest corner and 1 West 34th street, north side, 100 ft. west of Fifth avenue (Block 836, Lots 43 and 33), Borough of Manhattan.

822-41-S—84-88 Sandford street, west side, 182 ft. 3 in. south of Park avenue (Block 1736, Lot 14), Borough of Brooklyn.

359-43-A—197 York avenue, east side, 150 ft. south of Carlyle street (Block 48, Lot 19), New Brighton, Borough of Richmond.

364-43-A—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

365-43-A—934 Gun Hill road, south side, 125 ft. west of Golden avenue (Block 4635, Lot 32), Borough of The Bronx.

653-42-S—840 Barry street, east side, 100 ft. north of Burnett place (Block 2737, Lot 91), Borough of The Bronx.

615-42-A—1680 Broadway, east side, 104 ft. south of West 53rd street (Block 1024, Lot 38), Borough of Manhattan.

296-43-A—336 Greenwich street, west side, 26 ft. 5 in. north of Jay street (Block 182, Lot 16), Borough of Manhattan.

297-43-A—356 Greenwich street, west side, 75 ft. 10 in. south of Franklin street (Block 183, Lot 14), Borough of Manhattan.

308-43-A—Welfare Island, opposite East 80th street (Block 1373, Lot 13), East River, Borough of Manhattan.

371-43-A—448-450 Broome street, northeast corner of Mercer street (Block 484, Lots 31 and 32), Borough of Manhattan.

779-42-A—3302 Fillmore avenue, southeast corner of East 33rd street (Block 8500, Lot 40), Borough of Brooklyn.

741-42-A—1275 Broadway, southwest corner of West 33rd street (Block 808, Lot 40), Borough of Manhattan.

330-43-A—126 35th street and 931-939 Third avenue, southeast corner (Block 692, Lot 12), Borough of Brooklyn.

351-43-A—3042 Brighton 7th street, west side, 335 ft. south of Ocean View avenue (Block 7284, Lot 1460), Borough of Brooklyn.

369-43-A—1764-1768 and 1770 Circumferential parkway, northwest corner of Bay 37th street (Block 6942, Lots 17 and 92), Borough of Brooklyn.

635-41-A—398-408 Riverdale avenue, southwest corner of Junius street (Block 3831, Lot 25), Borough of Brooklyn (reopened May 4, 1943; previously withdrawn).

CALENDAR

99-43-A—770-774 Eastern parkway, south side, 90 ft. west of Kingston avenue (Block 1271, Lot 31), Borough of Brooklyn.

305-43-A—5-39 48th avenue, north side, 200 ft. west of Vernon avenue (Block 30, Lot 9), Long Island City, Borough of Queens.

331-43-A—30-89 32nd street, east side, 125 ft. north of 31st avenue (Block 616, Lot 2), Long Island City, Borough of Queens.

334-43-S—123-03 Liberty avenue, north side, 25.16 ft. east of 123rd street (2nd floor); (Block 9560, Lot 35), Richmond Hill, Borough of Queens.

335-43-A—123-03 Liberty avenue, north side, 25.16 ft. east of 123rd street (2nd floor); (Block 9560, Lot 35), Richmond Hill, Borough of Queens.

355-43-S—123-07 Liberty avenue, north side, 45 ft. east of 123rd street (Block 9560, Lot 33), Richmond Hill, Borough of Queens.

372-43-S—442-448 Fourth avenue, northwest corner of East 30th street (Block 860, Lot 37), Borough of Manhattan.

375-43-A—442-448 Fourth avenue, northwest corner of East 30th street (Block 860, Lot 37), Borough of Manhattan.

854-42-A—1181 Broadway, southwest corner of West 28th street (Block 829, Lot 57), Borough of Manhattan.

915-42-A—50 Snediker avenue, west side, 315 ft. south of Atlantic avenue (Block 3680, Lot 51), Borough of Brooklyn.

Materials for Approval.

842-42-SM—Corbin Automatic Exit Fixtures or Panic Bolts.

56-43-SM—Corbin Panic Bolt (Rim Type Automatic Exit Fixture No. 2585).

304-43-SM—Sargent Fire Exit Bolt, Nos. J5344L and J5391L.

HARRIS H. MURDOCK, *Chairman*.

AUGUST 3, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, August 3, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Appeal from Administrative Decision

172-43-A—Super block between Rockaway, Stone, Dumont and Sutter avenues (Brownsville Housing Project); (Blocks 3544 to 3547, inclusive and 3561 to 3564, inclusive), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman*.

SEPTEMBER 14, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, September 14, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions

746-42-A—241 West 72nd street, north side, 280 ft. 5½ in. west of Broadway (Block 1164, Lot 15), Borough of Manhattan.

267-43-A—Re packaging of combustible mixture, known as "Neptune Waterproof Belt Cement," in one-quart and one-pint glass bottles (capacity of glass bottles not in conformity with Administrative Code Specifications).

HARRIS H. MURDOCK, *Chairman*.

SEPTEMBER 21, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, September 21, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Appeal from Administrative Decision.

191-43-A—15 West 77th street and Central Park West at 79th street (Block 1130, Lot 1), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman*.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, JULY 20, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

The minutes of the regular meetings of the Board held on Tuesday morning, July 13, 1943, and Tuesday afternoon, July 3, 1943, were approved, as printed in Bulletin No. 29, Volume 28.

ZONING CASES

1-43-BZ

APPLICANT—Raymond Irrera, for Bernhard Burger, owner.

SUBJECT—Application (decision of the acting borough superintendent) under section 7c of the zoning resolution, to permit in a residence use district, the extension, in area, of an existing factory building.

PREMISES AFFECTED—111-59 158th street, east side, 26.29 ft. south of 112th road (Block 12176, Lot 12), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Raymond Irrera, Bernhard Burger.

For Opposition: Douglas D. Joseph, Robert Johnson, Elbert W. Barrington, Mr. Sherman and Agnes Duffy.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to July 27, 1943 at 10 A. M., for decision by the Board. No further argument.

86-43-BZ

APPLICANT—Lama and Proskauer, for Genevieve Marchione, owner.

SUBJECT—Application (decision of the borough superintendent) under section 7h of the zoning resolution, to permit in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—575-587 East New York avenue, north side, 134 ft. 6 in. west of Kingston avenue (Block 1332, Lots 51 and 54), Borough of Brooklyn.

MINUTES

APPEARANCES—

For Applicant: Alfred A. Lama.
For Opposition: J. W. Gottlieb and Joseph Prince.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to July 27, 1934 at 10 A. M., for decision by the Board. No further argument.

273-43-BZ

APPLICANT—Lama and Proskauer, for East New York Savings Bank, owner.

SUBJECT—Application (decision of the borough superintendent) under sections 7c and 21 of the zoning resolution, to permit in a residence use district, the conversion of occupancy of a building from marble works to factory (light manufacturing and not contrary to Section 4 (a) of the Zoning Resolution).

PREMISES AFFECTED—965-967 Hopkinson avenue, east side, 260 ft. south of Lott avenue and 576-578 Bristol street (Block 3623, Lot 19), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama and Guy Terhune.
For Opposition: Edward Larkin, Mrs. Barkin and others.
For Administration: Fred Dahlem, Dep't of Housing and Buildings and Gustave Goldman, Board of Education.

ACTION OF BOARD—Laid over to July 27, 1943 at 10 A. M.

6-43-BZ

APPLICANT—Lama and Proskauer, for Minnie Hindenstein, owner.

SUBJECT—Application (decision of the borough superintendent) under section 7c of the zoning resolution, to permit partly in a business use and partly in a residence use district, the parking and storage of more than five motor vehicles; to be operated in conjunction with a gasoline service station upon the same plot.

PREMISES AFFECTED—4517-4525 18th avenue, south side, 282 ft. 10½ in. east of 47th street (Block 5439, Lot 23), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama and Abraham Hindenstein.
For Opposition: David Stern, John J. Thompson, John J. Thompson, Jr., Charles R. Bott, Michael Hagan, Charles B. Ellis and others.
For Administration: Fred Dahlem, Dep't of Housing and Buildings and Gustave Goldman, Board of Education.

ACTION OF BOARD—Application withdrawn, after argument.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

282-35-BZ

APPLICANT—Paul Friedman, for Bay Parkway Holding Corporation, owner (Empire Chevrolet, Inc., lessee).

SUBJECT—Application for consideration—reopening and rehearing under section 7f of the zoning resolution (decision of the borough superintendent) to permit in a business use district for a term of five years, the conversion in occupancy of the use of the premises as office, five car garage and auto laundry to office, lubritorium, auto laundry and gasoline service station.

PREMISES AFFECTED—1159-1167 Utica avenue and 5002-5010 Clarendon road, southeast corner (Block 4771, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Paul Friedman.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

82-43-BZ

APPLICANT—James A. Boyle, for Mary Fromer and Louis L. Ahlers, owners (Celtic Circle, Inc., Sheepshead Bay Unit No. 1, lessee).

SUBJECT—Application for consideration—reopening and restoration to calendar—Application (decision of the borough superintendent) under section 7c of the zoning resolution, to permit partly in a residence use and partly in a business use district, the erection of a grandstand for an athletic field, the use of which is primarily for business purposes (previously dismissed for lack of prosecution).

PREMISES AFFECTED—1232-1254 Avenue Z and 2602-2644 East 13th street, southwest corner (Block 7457, Lots 1 and 15), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

544-37-BZ

APPLICANT—Michael Janicki, owner.

SUBJECT—Application reopened January 26, 1943 (decision of the acting borough superintendent) under sections 7h and 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the maintenance of an existing garage for five motor vehicles; the parking and storage of more than five motor vehicles, for a term of two years and, also, a lumber yard, for a term of two years.

PREMISES AFFECTED—28-08 25th (Hoyt) avenue, 28-29 Astoria boulevard and west side of 29th street, from 25th (Hoyt) avenue to Astoria boulevard (Block 839, Lot 1), Astoria, Borough of Queens.

APPEARANCES—

For Applicant: Michael Janicki.
For Opposition: Francis P. Sansone, John Rizzo, Mrs. Pallatich, Annie Heselsweidt and Harold Klorfein, Dep't of Parks.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative 0
Negative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

THE RESOLUTION (544-37-BZ)

WHEREAS, this application under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a building to be used as a gasoline service station, auto laundry, lubritorium, store, newstand, etc., affecting premises 28-08 25th avenue and 28-29 Astoria boulevard, west side of 29th street, from 25th avenue to Astoria boulevard (Block 839,

MINUTES

Lot 1), Astoria, Borough of Queens, was withdrawn on June 27, 1939; and

WHEREAS, the applicant requested a reopening and restoration to the calendar on a new proposal, to permit under sections 7h and 21 of the zoning resolution, for a term of two years, the parking and storage of more than five motor vehicles and the sale of used cars and also, a lumber yard; and

WHEREAS, this case was reopened by vote of the Board on January 26, 1943, subject to usual procedure; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting on July 20, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that Astoria boulevard is in a business use district; 25th avenue (south) is in a residence and business use district; 29th street is in a residence and business use district and 27th street is in a residence and business use district; and

WHEREAS, the decision of the borough superintendent dated December 28, 1942, on Misc. Applic. 6034-42 reads:

"1. The use of premises located within a residence district for the parking, storage, display and sale of new and used cars is contrary to Art. 2, Sec. 3 of the Bldg. Zone Res.

2. The use of premises located within a business dist. for the parking and storage, sale and display of more than 5 cars is contrary to Art 2, Sect. 46 of the Bldg. Zone Resolution.

3. The use of premises located within a residence and business district as a lumber yard is contrary to Art. 2, Sections 3 and 4 of the Bldg. Zone Resolution."

and

WHEREAS, the applicant states that the premises consist of an irregular shaped plot of ground having a frontage of 245 ft. on 29th street, 28 ft. on Astoria boulevard and 61 ft. on 25th avenue (south); that the northerly portion of the plot is in a residence use district and the southerly portion is in a business use district; that it is proposed to maintain the use of the existing garage for five (5) motor vehicles; to use the remainder of the plot, for a term of two (2) years, for the parking and storage of more than five (5) motor vehicles and, also as a lumber yard; and

WHEREAS, these premises and the surrounding area were inspected by a Committee of the Board; and

WHEREAS, the Board deemed that there was no justification for the exercise of discretion to grant a zoning variance under Section 7, subdivision h, and that the applicant failed to substantiate a basis to warrant exercise of discretion to grant under section 21 of the zoning resolution and was therefore not entitled to relief.

Resolved, that the decision of the borough superintendent on Misc. Applic. 6034-42, Objections 1, 2 and 3, be and it hereby is *affirmed* and that the application be and it hereby is *denied*.

836-42-BZ

APPLICANT—Harry Yahr (lessee) for The Gerry Estates, Inc., owner.

SUBJECT—Application reopened May 4, 1943 (decision of the borough superintendent) under section 7h of the zoning resolution, to permit in a retail-1 use district, for a term of two years, the parking and storage of more than five motor vehicles (previously denied).

PREMISES AFFECTED—108-112 West 41st street, south side, 125 ft. west of Sixth avenue (Block 993, Lot 38), Borough of Manhattan.

APPEARANCES—

For Applicant: Harry Yahr.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (836-42-BZ)

WHEREAS, this application under section 7h of the zoning resolution, to permit in a retail-1 use district, for a term of two years, the parking of more than five motor vehicles, affecting premises 108-112 West 41st street, south side, 125 ft. west of Sixth avenue (Block 993, Lot 38), Borough of Manhattan, was denied by the Board on February 2, 1943; and

WHEREAS, the applicant requested a reopening and reconsideration, based on alleged new facts; and

WHEREAS, this case was reopened by vote of the Board on May 4, 1943, subject to usual procedure; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting on July 20, 1943 after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that West 41st street is in retail-1 and retail use districts; Sixth avenue is in retail and residence use districts; Broadway is in a retail-1 use district and West 40th street is in retail-1 and retail use districts; and

WHEREAS, the decision of the borough superintendent, dated May 5, 1943, reads:

"Your application for temporary certificate of occupancy for parking and storage of more than five (5) motor vehicles at above noted premises is denied for the reason that such use would be contrary to the Zoning Resolution in a Retail-1 use district."

and

WHEREAS, the applicant states that the premises consist of a plot having a frontage of 75 ft. and a depth of 99 ft. and that it is proposed to use the plot for a term of two (2) years for the parking and storage of more than five (5) motor vehicles; and

WHEREAS, these premises and the surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that this was a proper case in which to exercise discretion to grant under section 7, subdivision h, of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution and that the application be and it hereby is *granted* under section 7h thereof, for a term of two (2) years from the date of this action, to permit the premises to be occupied for the parking and storage of more than five motor vehicles, *on condition* that the premises shall be leveled substantially to the grade of West 41st street and shall be surfaced with clean gravel, steam cinders or other suitable material and treated with a binder to provide a reasonably impervious surface; that there shall be erected on the street building line, a brick wall, properly coped, not less than 2 ft. in height, with an ornamental wood fence to a total height of 4 ft. except for an opening not over 20 ft. for entrance and exit, and curb cut of similar width opposite; that during the term of this permit, the premises shall be occupied for no other use than as herein permitted; that no signs shall be erected, except there may be a sign attached to the fence advertising the parking and storage use and the rates charged, provided such sign does not exceed 15 sq. ft. in area and is not illuminated and does not extend beyond the building line; that no building shall be erected except there may be a building not over 100 sq. ft. in area solely for use as an office and shelter for the attendant; that such building shall not exceed one story in height and may be of frame; that such portable fire fighting appliances shall be maintained as the fire commissioner shall direct; that adequate aisles shall be maintained at all times for easy entrance and egress; that all permits shall be obtained and all work completed within three (3) months from the date of this resolution.

MINUTES

10-43-BZ

APPLICANT—William A. Eckert, for Estate of Annie Gibney, owner (Title Guarantee and Trust Company, administrator); (Maple Grove Parking Company, Inc., lessee).

SUBJECT—Application (decision of the acting borough superintendent) under section 7h of the zoning resolution, to permit partly in a business use and partly in a residence use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—137-52 to 137-70 Queens boulevard and the west side of 85th avenue between Queens boulevard and 137th street (Block 9650, Lot 31), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Arthur W. Renander.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (10-43-BZ)

WHEREAS, William A. Eckert, for Estate of Annie Gibney, owner (Title Guarantee and Trust Co., Administrator), Maple Grove Parking Co., Inc., lessee, filed January 3, 1943, an application under section 7h of the zoning resolution, to permit partly in a business use and partly in a residence use district, for a term of two years, the parking and storage of more than five motor vehicles; premises: 137-52 to 137-70 Queens boulevard and west side of 85th avenue, between Queens boulevard and 137th street (Block 9650, Lot 31), Jamaica, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, July 20, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that Queens boulevard is in a business use district; Van Wyck boulevard (137th street) is in residence and business use districts; 85th avenue is in residence and business use districts; and

WHEREAS, the decision of the borough superintendent, Re Misc. Applic. 5825-42 dated January 4, 1943, reads:

"1. Use of premises for parking and storage of more than five cars is contrary to Sec. 3 and Sec. 4-15 of the building zone resolution. Premises are located partly in a residence and partly in a business district."

and

WHEREAS, the applicant states that the premises consist of a plot having a frontage of 325 ft. on 85th avenue, 138 ft. on Van Wyck boulevard and 250 ft. on Queens boulevard; that the Queens boulevard frontage of the plot, for a depth of 100 ft. is in a business use district and the remainder is in a residence use district and that it is proposed to use the plot, for a term of two years, for parking and storage of more than five (5) motor vehicles; and

WHEREAS, these premises and the surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that this was a proper case in which to exercise discretion to grant under section 7, subdivision h, of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulation of the zoning resolution and that the application be and it hereby is granted under section 7h thereof, for a term of two (2) years from the date of the action, to permit the premises to be occupied for the parking and storage of more than five (5) motor vehicles, on condition that the plot shall be levelled substantially to the grade of surrounding streets and shall be surfaced with clean gravel, steam

cinders or other suitable material and treated with a binder so as to render a reasonably impervious surface; that on the street building lines and interior building line between Lot 31 and Lot 25, there shall be erected a substantial woven wire fence of the Anchor Post type not less than 5 ft. in height, with no openings therein, except one opening to 85th avenue toward the center not exceeding 20 ft. in width, with curb cut opposite of similar width; that during the term of this permit, the premises shall be occupied for no other use than as herein permitted; that all buildings now thereon shall be removed, except there may be one building maintained near the entrance to be occupied solely as an office and shelter of the attendant, provided such building does not exceed 150 sq. ft. and is not over one story in height; that such building may be of frame; that no signs shall be erected on the premises, except there may be a sign attached to the fence near the entrance advertising the parking and storage use and the rates charged, provided such sign does not exceed 15 sq. ft. and is not illuminated and does not extend beyond the building line; that such portable fire fighting appliances shall be maintained as the fire commissioner shall direct; that adequate aisles shall be maintained at all times for easy entrance and egress; that the requirements of the resolution adopted under Cal. 333-43-A shall be complied with; that the extent of the premises known as Lot 31 shall not exceed the dimensions as indicated on revised plan marked "Received July 16, 1943"; that all permits shall be obtained and all work completed within three (3) months from the date of this resolution.

31-43-BZ

APPLICANT—William V. McDevit, for Socony-Vacuum Oil Company, Inc., owner.

SUBJECT—Application (decision of the borough superintendent) under section 7c of the zoning resolution, to permit in a business use district, the alteration and extension of an existing gasoline station, to be used as gasoline service station, office, lubricatorium and auto laundry.

PREMISES AFFECTED—76-88 Grand street extension and 277-283 South 3rd street, southeast corner (Block 2422, Lots 34 and 35), Borough of Brooklyn.

APPEARANCES—

For Applicant: William V. McDevit and H. B. Whiting.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings and Gustave Goldman, Board of Education.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (31-43-BZ)

WHEREAS, William V. McDevit, for Socony-Vacuum Oil Co., Inc., owner, filed January 19, 1943, an application under section 7c of the zoning resolution, to permit in a business use district the alteration and extension of an existing gasoline service station, to be used as a gasoline service station, office, lubricatorium and auto laundry; premises 76-88 Grand street extension and 277-283 South 3rd street, southeast corner (Block 2422, Lots 34 and 35), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, July 20, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, Grand street extension, South 3rd street, Rodney street and Marcy avenue are all in a business use district; and

MINUTES

WHEREAS, the decision of the borough superintendent, dated December 21, 1942, re N. B. Applic. 422-42, reads:

"5—Proposed alteration and extension to existing gasoline service station to be used as gasoline service station, office, lubratory and car laundry on premises located in a business zone is contrary to Article II, Section 4a (46) of the Zoning Resolution."

and
WHEREAS, the applicant states that the premises consist of an irregularly shaped plot having a frontage of 81 ft. 3 in. on South 3rd street; 96 ft. 11 in. on Grand street extension and a distance of 52 ft. 6 in. along the easterly lot line; that the westerly portion of the plot having a frontage of 41 ft. on South 3rd street and 49 ft. on Grand street extension, is occupied as a gasoline service station; that upon the easterly portion of the plot, having a frontage of 40 ft. 3 in. on South 3rd street and 47 ft. 11 in. on Grand street extension, there are located grease pits and also a 1- and 3-story building, occupied as an office for the gasoline station and also as dwellings; that it is proposed to remove the grease pits and the one and three-story building and to erect upon the easterly part of the plot, a one-story accessory building, 52 ft. 6 in. by 24 ft., irregular, in area and to use the entire premises as a gasoline service station; and

WHEREAS, these premises and the surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that this was a proper case in which to exercise discretion to grant under section 7c of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution and that the application be and it hereby is *granted* under section 7c thereof, to permit the alteration and extension of the gasoline service station, substantially as indicated on revised plans filed at this hearing, *on condition* that all buildings and structures shall be removed and the station shall be rearranged and reconstructed as indicated, except that there shall be erected on the building line of South Third street, a brick masonry wall, properly coped, not less than 5 ft. in height, except that such wall may be reduced to 3 ft. in height within 10 ft. of the intersection of Grand street extension and South Third street; that the block of concrete shown at the intersection within the building line, shall be not less than 12 in. in height; that the number of gasoline storage tanks shall not exceed 3, as indicated, and the pumps shall not be nearer to the building line than shown; that the accessory building shall be constructed of incombustible materials, substantially of the design as indicated on plans filed at this hearing, except that the roof boarding and roof beams may be of wood, provided the ceiling throughout is fire-retarded in accordance with the Rules of the Board; that the window frames and sash and door frames and doors may be of wood, except that any windows erected on the building line of South Third street shall be of fireproof frames and sash, glazed with wire glass; that no windows shall be constructed on the interior lot line to the south; that the heater room shall be separated from the balance of the building by fireproof construction; that there shall be no cellar under the accessory building; that the balance of the plot where not occupied by wall, accessory building and pumps, shall be cement paved; that curb cuts shall be restricted to two curb cuts to Grand street extension only, located substantially as shown; each not exceeding 20 ft. in length; that no signs shall be erected on the premises, except the illuminated globes of the pumps and permanent sign attached to the accessory building advertising the uses, excluding all roof signs and temporary signs, except there may be erected within the building line near the intersection a post standard for supporting a sign which may be illuminated, advertising only the brand of gasoline on sale and permitting such sign to extend for a distance of not more than 4 ft. beyond the building line; that no portable gasoline pumps shall be used on or from the premises; that no motor vehicle repairing shall be done; that such portable fire

fighting appliances shall be maintained as the fire commissioner shall direct; that all permits shall be obtained and all work completed within one year from the date of this resolution.

233-43-BZ

APPLICANT—Richard A. Kimball, for Norman Woolworth, owner.

SUBJECT—Application (decision of the borough superintendent) under section 21 of the zoning resolution, to permit in a residence use and also B area district, the maintenance of a one-story extension which is located in the required rear yard.

PREMISES AFFECTED—2-6 East 63rd street, south side, 100 ft. east of Fifth avenue (Block 1377, Lot 66), Borough of Manhattan.

APPEARANCES—

For Applicant: Livingstone Elder.

For Opposition: B. Mahler.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (233-43-BZ)

WHEREAS, Richard A. Kimball, for Norman Woolworth, owner, filed on May 17, 1943, an application under section 21 of the zoning resolution, to permit in a residence use and also "B" area district, the maintenance of a one-story extension which is located in the required rear yard; premises 2-6 East 63rd street, south side, 100 ft. east of Fifth avenue (Block 1377, Lot 66), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting July 20, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that East 63rd street is in a residence and restricted retail use and "B" area district; East 62nd street, residence and restricted retail use and "B" area district; 5th avenue is in a residence use and "B" area district and Madison avenue is in a restricted retail use and "B" area district; and

WHEREAS, the decision of the borough superintendent on Alt. Applic. 2779-40, dated April 30, 1943, reads:

"1. One-story extension in present rear yard is contrary to Sec. 17, subdivision (a) of Article 4 of the Zoning Resolution."

and

WHEREAS, the applicant states that the premises consist of a plot of ground having a frontage of 75 ft. and a depth of 100 ft. 5 in.; that upon the plot there is located a fireproof 4-story and basement private residence, 75 ft. by 90 ft. irregular in depth; that it is proposed to maintain at the easterly rear of the building a one-story extension 25 ft. by 10 ft. deep in area and that this extension has been erected upon the required 10 ft. deep rear yard; and

WHEREAS, the Board deemed that the applicant had substantiated a basis to warrant exercise of discretion to grant under Section 21 of the zoning resolution, and is therefore entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the area district regulations of the zoning resolution and that the application be and it hereby is *granted* under section 21 thereof, *on condition* that the building shall not be further increased in height or area; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that all permits shall be obtained and all work completed within six (6) months from the date of this resolution.

MINUTES

328-34-BZ

APPLICANT—S. Sheldon Meyers, for Max Mirowitz, owner.

SUBJECT—Application for consideration—reopening and extension of permit and time to complete work—Application (decision of the commissioner of buildings) previously granted on condition, under section 21 of the zoning resolution, permitting in a residence use district, the change of occupancy of an existing building to a garage for more than five motor vehicles for a temporary period.

PREMISES AFFECTED—1449 Vyse avenue, west side, 100 ft. south of Jennings street (Block 2987, Lot 33), Borough of The Bronx.

APPEARANCES—

For Applicant: George G. Arlock.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened, time extended, permit and time extended.

THE VOTE TO REOPEN AND EXTEND PERMIT AND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (328-34-BZ)

WHEREAS, this application affecting premises 1449 Vyse avenue, west side, 100 ft. south of Jennings street (Block 2987, Lot 33), Borough of The Bronx, was granted by the Board October 22, 1935, resolution amended May 5, 1936, and July 7, 1936, time extended July 9, 1937, July 20, 1938, July 5, 1939, July 16, 1940, July 8, 1941 and June 23, 1942 and the applicant requested a further extension of the permit and time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted October 22, 1935, as amended through resolution of June 23, 1942, only so far as it has reference to the term of the variance and to the time within which to obtain permits and complete the work, so that as amended, this portion of the resolution shall read:

"that the term of the variance is hereby extended for one year, provided all permits required are obtained and all work completed within one year from the date of this *amended* resolution."

510-39-BZ

APPLICANT—Henry Nordheim, for Lewine Realty Corporation, owner (Gordon and Ettl, lessees).

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a temporary term of two years, the transient parking of more than five motor vehicles.

PREMISES AFFECTED—5821-5839 Broadway and 251-263 West 238th street, northwest corner (Block 3414-B, Lots 134, 136 and 140), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry Nordheim.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (510-39-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a temporary term of two years, the transient parking of more

than five motor vehicles, affecting premises 5821-5839 Broadway and 251-263 West 238th street, northwest corner (Block 3414-B, Lots 134, 136 and 140), Borough of The Bronx, was granted by the Board on July 18, 1939, on certain conditions, permit extended on July 1, 1941 and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted July 18, 1939, as amended July 1, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"granted under section 7h thereof for a temporary term of two (2) years from the date of this *amended* resolution. . . ."

574-40-BZ

APPLICANT—Lama and Proskauer, for Giuseppe Proscia, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete—Application (decision of the borough superintendent) previously granted on condition, under section 7c of the zoning resolution, permitting in a business use district, the alteration and conversion of occupancy of an existing building to a garage for more than five (5) motor vehicles.

PREMISES AFFECTED—565-569 Carroll street, north side, 220 ft. east of Fourth avenue (Block 958, Lot 70), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (574-40-BZ)

WHEREAS, this application, under section 7c of the zoning resolution, permitting in a business use district the alteration and conversion of occupancy of an existing building to a garage for more than five motor vehicles, affecting premises 565-569 Carroll street, north side, 220 ft. east of Fourth avenue (Block 958, Lot 70), Borough of Brooklyn, was granted by the Board September 24, 1940, on certain conditions, time extended October 21, 1941 and October 20, 1942 and the applicant requested a further extension of time to complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on September 24, 1940 as amended October 21, 1941 and October 20, 1942, only in so far as it has reference to the completion of the work, so that as amended, this portion of the resolution shall read:

"that all permits shall be obtained and all work shall be completed within one (1) year from the date of this *amended* resolution."

1231-40-BZ

APPLICANT—Henry Nordheim, for Harriet Snyder and Silas E. Morris, owners.

SUBJECT—Application for consideration—reopening and extension of time—Application (decision of the acting borough superintendent) previously granted on condition, under section 7c of the zoning resolution, permitting in a business use district, on a plot used as a gasoline service station, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—4642 White Plains road and 700 East 241st street, southwest corner (Block 5087, Lots 59 and 62), Borough of The Bronx.

MINUTES

APPEARANCES—

For Applicant: Henry Nordheim.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (1231-40-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting in a business use district, on a plot used as a gasoline service station, the parking and storage of more than five motor vehicles, affecting premises 4642 White Plains road and 700 East 241st street, southeast corner (Block 5087, Lots 59 and 62), Borough of The Bronx, was granted by the Board on July 15, 1941, on certain conditions and the applicant requested an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted July 15, 1941, only so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that all permits required shall be obtained and all work completed within six (6) months from the date of this amended resolution."

268-41-BZ

APPLICANT—L. A. Kiesewetter, for Mera Wellerson, owner (John N. Leopold, Inc., lessee).

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the borough superintendent) previously granted on condition, under section 7c of the zoning resolution, permitting in a business use district, the alteration and extension of an existing gasoline service station.

PREMISES AFFECTED—5801 Amboy road, northwest corner of Foster road (Block 6896, part of Lot 50), Prince's Bay, Borough of Richmond.

APPEARANCES—

For Applicant: Joseph B. Lynch.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (268-41-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting in a business use district, the alteration and extension of an existing gasoline service station, affecting premises 5801 Amboy road, northwest corner of Foster road (Block 6896, part of Lot 50), Prince's Bay, Borough of Richmond, was granted by the Board on June 17, 1941, on certain conditions, time extended and resolution amended on June 23, 1942 and the applicant requested a further extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted June 17, 1941, as amended through resolutions of June 23, 1942, only so far as it has reference to the time within which to obtain permits and complete the work, so that as amended, this portion of the resolution shall read:

"that all permits shall be obtained and all work completed within one year from the date of this amended resolution."

150-41-BZ

APPLICANT—Lama and Proskauer, for Isadore Golub and Morris Leibson, present owners.

SUBJECT—Application for approval of plans with additional conditions—Application (decision of the borough superintendent) previously granted on condition, under section 7f of the zoning resolution, permitting in a retail use district, for a term of ten years, the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—79-10 to 79-20 Springfield boulevard, northwest corner of Union turnpike (Block 7780, part of Lot 1), Queens Village, Borough of Queens.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: Stanley Faulkner.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Plans approved.

THE VOTE TO APPROVE PLANS—

Affirmative: Commissioners Savage and Blum and

Deputy Chief Gunn 3

Negative: Chairman Murdock 1

THE RESOLUTION (150-41-BZ)

WHEREAS, this application under section 7f of the zoning resolution, permitting in a retail use district, for a term of ten years, the erection and maintenance of a gasoline service station, affecting premises 79-10 to 79-20 Springfield boulevard, northwest corner of Union turnpike (Block 7780, part of Lot 1), Queens Village, Borough of Queens, was granted by the Board on January 13, 1942, on certain conditions; and

WHEREAS, the applicant requested an approval of plans, in compliance with the resolution of January 13, 1942.

Resolved, the Board of Standards and Appeals does hereby *approve* the plans marked "Received May 18, 1943," as being in substantial compliance with the resolution adopted by the Board on January 13, 1942.

APPEALS FROM ADMINISTRATIVE DECISIONS

172-43-A

APPLICANT—Frederick G. Frost, for New York City Housing Authority, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—Super block bounded by Rockaway, Stone, Dumont and Sutter avenues (Blocks 3544-3547, inclusive and 3561-3564 inclusive, Lots none), Borough of Brooklyn (Brownsville Housing Project).

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to August 3, 1943 at 10 A. M.

250-43-A

APPLICANT—Henry Nordheim, for Nicholas R. Mainiere, owner.

SUBJECT—Appeal from decisions of the acting borough superintendent.

PREMISES AFFECTED—1600 Stillwell avenue and 1600 McDonald street, southeast corner (Block 4223, Lot 1), Borough of The Bronx.

MINUTES

APPEARANCES—

For Applicant: Henry Nordheim and Nicholas R. Mainiere.

For Administration: Fred Dahlem, Dep't of Housings and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (250-43-A)

WHEREAS, Henry Nordheim, for Nicholas R. Mainiere, owner, filed May 25, 1943, an appeal from decisions of the borough superintendent; premises 1600 Stillwell avenue and 1600 McDonald street, southeast corner (Block 4223, Lot 1), Borough of The Bronx; and

WHEREAS, the decision of the borough superintendent, dated April 30, 1943, on N.B. Applic. 42-35 reads:

"Your letter of April 26, requesting the renewal of a permit for the occupancy of the one story building located at the subject premises as a stable for twenty (20) horses has been received. On February 3, 1943, we have informed Mr. Nicholas R. Mainiere, the owner of these premises that the maintenance of a frame building used as a stable was contrary to Section 91 of the Old Building Code, under which the structure was erected and C26-253.0 of the Administrative Code, and that, therefore, the request for a temporary certificate of occupancy is denied.

Your request for reconsideration on this ruling must also be denied."

and
WHEREAS, the decision of the borough superintendent, dated May 12, 1943, on N.B. Applic. 64-36 reads:

"Your letter of May 7, 1943 requesting a renewal of the permit for the maintenance and use of a one story structure at the subject premises as a recreation room has been received.

The structure for which you request renewal of the permit was erected under New Building Application 64-1936. This application called for the erection of a metal covered frame structure to be used for a lunch-room and was approved as a temporary structure for one year.

As the erection and maintenance of a frame structure to be used for business purposes was contrary to Section 91 of the Old Building Code and Section C26-253.0 of the Administrative Code, your request for the renewal of the permit is hereby denied."

and
WHEREAS, the applicant states that the premises consist of a plot 53.32 ft. by 100.01 ft. in area, located in an unrestricted use district, upon which a stable 25 ft. by 76 ft. in area, 1 story, 14 ft. 6 in. in height, was erected in 1935, of Class 5 construction and a recreation and waiting room building, one story, 12 ft. 6 in. in height, 14 ft. 4 in. by 34 ft. in area; of Class 5 construction; erected in 1936; stable is occupied for twenty (20) horses; and

WHEREAS, Violation 1649-43 was issued May 15, 1943, for maintaining a frame structure for business purposes and directing removal of said structure forthwith; and

WHEREAS, applicant contends that this appeal is for the purpose of obtaining a certificate of occupancy for two buildings originally permitted as temporary structures for one year; that the new building application 42-35, under which the stable was built, was renewed each year up to April 8, 1939; that there is no record of the renewal of the permit for the recreation and waiting room; that the Dept. of Housing and Buildings took no disciplinary action until the violation in question was issued May 15, 1943, and the owner evidently took for granted, that such lack of enforcement constituted a stamp of approval for the permanent use of the buildings; that since the stable was built in 1935, allowed to continue for four years on extended permits and allowed to continue for five years thereafter unmolested, it

would be unreasonable now to wreck a business by ordering the demolition of the building.

Resolved, that the decisions of the borough superintendent acting on N.B. Applics. 42-35 and 64-36 be and they hereby are *modified* and that the appeal be and it hereby is *granted* to permit the continuation of the existing buildings for the term of one (1) year from the date of this resolution, *on condition* that the buildings are maintained in safe and sanitary condition to the satisfaction of the borough superintendent and all other departments having jurisdiction over the use and occupancy.

333-43-A

APPLICANT—William A. Eckert, for Estate of Annie Gibney, owner (Title Guarantee and Trust Company, Administrators); (Maple Grove Parking Co., Inc., lessee).

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—137-52 to 137-70 Queens boulevard and the west side of 85th avenue, between Queens boulevard and Van Wyck boulevard (137th street); (Block 9650, Lot 31), Jamaica, Borough of Queens (under section 35, General City Law—re bed of mapped street—Main street).

APPEARANCES—

For Applicant: Arthur W. Renander.

For Administration: Fred Dahlem, Dep't of Housings and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (333-43-A)

WHEREAS, William A. Eckert, for Title Guarantee and Trust Company, as Administrators of Estate of Annie Gibney, owner, (Maple Grove Parking Co., Inc., lessee), filed July 1, 1943, and application pursuant to section 35 of the General City Law for the use of a portion of premises within the bed of a mapped street (Main street), affecting premises 137-52 to 137-70 Queens boulevard, 137-03 to 137-43 85th avenue and 8447-8461 Van Wyck boulevard (Block 9650, Lot 31), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent on Misc. Applic. 5825-42, dated June 7, 1942, redened June 25, 1943 reads:

"2. The use of portion of lot within the bed of a mapped street would be contrary to Sect. 35 of the General City Law."

and

WHEREAS, the applicant states that the premises consist of a plot fronting 258.03 ft. on Queens boulevard, 325 ft. on 85th avenue and 183.15 ft. on Van Wyck boulevard, located in a business use district, which it is proposed to use for the parking and storage of more than five motor vehicles.

Resolved, that the decision of the borough superintendent on Misc. Applic. 5825-42, dated June 25, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted* under the authority granted the Board under Section 35 of the General City Law, as to the use of the bed of the extension of Main street across Lot 31, as indicated on revised plan marked "Received July 16, 1943," as permitted by the Board under Cal. 10-43-BZ, for parking and storage of more than five motor vehicles for a temporary term of two (2) years, *on condition* that in the event this property is acquired by the City of New York for street purposes that no claim shall be made for any loss or damage because of the required discontinuance of such permitted use.

Adjourned: 1:20 P. M.

JOSEPH J. DOYLE, Chief Clerk

MINUTES

REGULAR MEETING

TUESDAY AFTERNOON, JULY 20, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

APPEALS FROM ADMINISTRATIVE DECISIONS

476-42-A

APPLICANT—William Hand, d/b/a Capital Drug Company, for Bushwick Building Co., Inc., owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—2553-2563 Atlantic avenue and 30-48 Alabama avenue, northwest corner (Block 3666, Lot 31), Borough of Brooklyn.

APPEARANCES—

For Applicant: William Hand.

For Administration: Vincent Matteis, Fire Dep't.

ACTION OF BOARD—Laid over to July 27, 1943 at 2 P. M. at request of applicant.

688-42-A

APPLICANT—Manhattan Opera House Holding Company, owner.

SUBJECT—Application reopened and restored to calendar, May 4, 1943—Appeal from a decision of the borough superintendent (previously withdrawn).

PREMISES AFFECTED—311-315 West 34th street, north side, 200 ft. west of Eighth avenue and 316 West 35th street (Block 758, Lot 28), Borough of Manhattan.

APPEARANCES—

For Applicant: William J. Minogue.

For Administration: Fred Dahlem, Dep't of Housing and Buildings and Chief Michael J. Donohue, Fire Dep't.

ACTION OF BOARD—Laid over to July 27, 1943 at 2 P. M. for further consideration by the Board.

70-43-A

APPLICANT—Isidore Nathanson, for Willoughby Bed Spring Co., lessee, for B. Kamenetsky, owner.

SUBJECT—Appeal from a decision re an order of the fire commissioner.

PREMISES AFFECTED—745-747 Van Sinderen avenue (749-751 displayed) east side, 140 ft. north of Linden boulevard (Block 3865, Lot 9), Borough of Brooklyn.

APPEARANCES—

For Applicant: Isidore Nathanson.

For Administration: Vincent Matteis, Fire Dep't.

ACTION OF BOARD—Laid over to July 27, 1943 at 2 P. M. for further consideration by the Board and inspection by Fire Dep't. representative.

119-43-A

APPLICANT—Union Chair Co., Inc., lessee, for B. Kamenetsky, owner.

SUBJECT—Appeal from decisions re an order of the fire commissioner.

PREMISES AFFECTED—735-745 Van Sinderen avenue (739-749 displayed) east side, 140 ft. north of Linden boulevard (Block 3865, Lot 9), Borough of Brooklyn.

APPEARANCES—

For Applicant: George G. Rosen.

For Administration: Vincent Matteis, Fire Dep't.

ACTION OF BOARD—Laid over to July 27, 1943 at 2 P. M. for further consideration by the Board and inspection by Fire Dep't. representative.

134-43-A

APPLICANT—P. A. Cunnius, for Eight Combined Corporation owner (W. T. Grant Co., lessee).

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—1011-1013 Beach 20th street (rear) west side, 102 ft. north of Cornaga avenue and 1018-1020 Beach 21st street, east side, 143 ft. 6 in. north of Cornaga avenue (Block 212, Lots 1 and 9), Far Rockaway, Borough of Queens.

APPEARANCES—

For Applicant: P. A. Cunnius.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Laid over to July 27, 1943 at 2 P. M. for further consideration by the Board. Applicant to amend papers.

299-43-A

APPLICANT—Integral Design and Development Co., for Antonie Murray, owner (A. B. Murray Co., Inc., lessee).

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—145-165 Wolcott street, south side, 125 ft. west of Conover street (Block 574, Lot 12), Borough of Brooklyn.

APPEARANCES—

For Applicant: Edward F. Sherman.

For Administration: Vincent Matteis, Fire Dep't.

ACTION OF BOARD—Laid over to July 27, 1943 at 2 P. M. at request of applicant.

441-42-S

APPLICANT—General Register Corporation, lessee, for Herbert Callman, owner.

SUBJECT—Variation of the labor law as cited in a decision of fire commissioner.

PREMISES AFFECTED—36-20 to 36-46 33rd street and 32-50 37th avenue, southwest corner (Block 601, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Dave Hammer.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Application withdrawn at request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

704-42-A

APPLICANT—Albert Parnell, for Dora Zeidenwebber, owner (L. Zeidenwebber and Son, lessees).

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—79 Mercer street, west side, 201 ft. 3 in. north of Broome street (Block 485, Lot 29), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

717-42-A

APPLICANT—Arma Corporation, lessee, for Bush Terminal Building Corporation, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

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PREMISES AFFECTED—220-254 36th street, south side, entire block from 2nd to 3rd avenues (Block 695, Lot 1); (Basement, Model Loft Building No. 2), Borough of Brooklyn.

APPEARANCES—

For Applicant: William H. Pedrick.

ACTION OF BOARD—Appeal withdrawn on request of applicant's representative.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

58-43-A

APPLICANT—Theodore Rosen, for Department of Correction, City of New York, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—339-341 Berry street, east side, 90 ft. south of South 4th street (Block 2443, Lot 6), Borough of Brooklyn.

APPEARANCES—

For Applicant: Joseph Balka.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn on request of applicant's representative.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

78-43-A

APPLICANT—Frank C. Keller, for Figge and Hutwelker Co., owner (Commercialaire Inc., lessee).

SUBJECT—Appeal from a decision re an order of the fire commissioner.

PREMISES AFFECTED—300 Pacific street, south side, 250 ft. east of Smith street (Block 188, Lot 20), Borough of Brooklyn.

APPEARANCES—

For Applicant: Frank C. Keller.

ACTION OF BOARD—Appeal withdrawn after argument.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

88-43-A

APPLICANT—Harrison M. Cole, for Cole Electric Products Co., Inc., owner.

SUBJECT—Appeal from orders of the fire commissioner.

PREMISES AFFECTED—43-06 Crescent street, west side, 100 ft. south of 43rd road (Block 435, Lot 13), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

158-43-A

APPLICANT—John C. Wandell, for Hilma Landquist, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1232 72nd street, south side, 237 ft. east of 12th avenue (Block 6188, Lot 17), Borough of Brooklyn.

APPEARANCES—

For Applicant John C. Wandell.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn after argument.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

171-43-A

APPLICANT—American Chicle Co., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—30-30 Thomson avenue, south side, entire block bounded by Thomson avenue, Mount street, Nelson avenue and Manley street (Block 277, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

195-43-A

APPLICANT—North Shore Ice Co., owner.

SUBJECT—Appeal from a decision of the fire commissioner.

PREMISES AFFECTED—97-101 Jewett avenue, east side, 300 ft. north of Castleton avenue (Block 835, Lot 25), Port Richmond, Borough of Richmond.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

240-43-A

APPLICANT—Sunnyside Sanitarium of Staten Island, Inc., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—30 Little Clove road, south side, 240 ft. west of Clove road (Block 836A, Lot 1), West Brighton, Borough of Richmond.

APPEARANCES—

For Applicant: Isadore Albert.

For Administration: Fred Dahlem, Dep't of Housing and Buildings and Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal withdrawn after argument.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

293-43-A

APPLICANT—E. L. Hofmann, for Long Island Railroad Company, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—121-151 Flatbush avenue, east side, from Hanson place to Atlantic avenue, and 2-27 Hanson place (Block 2001, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Henry B. Staples and J. W. Roland.

For Administration: Thomas A. Larkin, Fire Dep't.

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ACTION OF BOARD—Appeal withdrawn after argument.
THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

329-43-A

APPLICANT—Manoug Exerjian, for 67th Avenue Realty Corporation, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—100-05 to 100-09 Queens boulevard, northeast corner of 67th avenue (Block 2219, part of Lot 1), Forest Hills, Borough of Queens.

APPEARANCES—

For Applicant: Simon Gross, Monoug Exerjian and C. G. De Loco.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn to comply.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

924-41-A

APPLICANT—Arthur Charles Mandel, for Third Avenue Railway System, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1111-1127 Third avenue, 1241-1259 Second avenue, 201-257 East 65th street and 200-262 East 66th street (Entire Block); (Block 1420, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (924-41-A)

WHEREAS, Arthur Charles Mandel, for Third Avenue Railway System, owner, filed on October 1, 1941, an appeal from a decision of the borough superintendent, affecting premises 1111-1127 Third avenue, 1241-1259 Second avenue, 201-257 East 65th street and 200-262 East 66th street (Entire Block); (Block 1420, Lot 1), Borough of Manhattan; and

WHEREAS, the applicant failed to complete the papers in this case, although duly notified to do so.

Resolved, that the appeal be and it hereby is *dismissed* for lack of prosecution.

31-42-S

APPLICANT—Samuel Stein, owner.

SUBJECT—Variation of the labor law as cited in decisions of the borough superintendent.

PREMISES AFFECTED—189 Bowery, east side, 75 ft. 4 in. north of Delancey street (Block 425, Lot 4), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application dismissed as being improperly before Board.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (31-42-S)

WHEREAS, Samuel Stein, owner, filed on January 9, 1942, an application from decisions of the borough superintendent, affecting premises 189 Bowery, east side, 75 ft. 4 in. north of Delancey street (Block 425, Lot 4), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, on Alt. Applic. 3139-40, dated December 10, 1941, reads:

"2. Plans should designate conformance with Violation 2344-39 and the order of the Board of Standards and Appeals as stated in Calendar 1289-22-S."

and

WHEREAS, the Board has been advised that Alt. Applic. 3139-40 is marked "abandoned" as of the record.

Resolved, that the appeal be and it hereby is *dismissed* as being improperly before the Board.

516-42-A

APPLICANT—Alexander D. Crosett, for Defense Plant Corporation, owner (Aluminum Company of America, Agent).

SUBJECT—Application reopened June 15, 1943—re Appeal from a decision of the acting borough superintendent; previously granted on condition.

PREMISES AFFECTED—47-19 Grand avenue, entire area bounded by Grand avenue, Page place, 56th road, Newtown and Maspeth Creeks (Block 2600, Lot 200); (Office Building), Maspeth, Borough of Queens.

APPEARANCES—

For Applicant: H. G. Hauck and Philip Brady.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (516-42-A)

WHEREAS, Alexander D. Crosett, for Aluminum Co. of America, as agent, for Defense Plant Corporation, owner, filed on June 29, 1942 an appeal from a decision of the borough superintendent affecting premises 47-19 Grand avenue, entire premises bounded by Grand avenue, Page place, 56th road, Maspeth Creek and Newtown Creek (Block 2257, Lots 2, 16, 31, Block 2256, Lots 60, 61, 63, 150, 153, 155, Block 2235, Lots 1, 225, 300, 330, Block 2236, Lots 70, 75 and 30, Block 2588, Lots 1 and 50, Block 2589, Lot 1, Block 2590, Lot 1, Block 2591, Lots 1 and 34, Block 2592, Lots 1 and 34, Block 2593, Lots 1 and 34, Block 2594, Lots 1 and 34, Block 2595, Lot 1, Block 2596, part of Lot 1, Block 2600, Lots 1 and 45, Block 2601, Lots 1, 21, 28, 34, 40, 44, and 50, Block 2602, Lots 1, 37, 40 and 44, Block 2603, Lot 1, Block 2604, Lot 1, Block 2605, Lot 1 and Block 2606, Lot 1), Maspeth, Borough of Queens; and

WHEREAS, this appeal was granted by the Board on July 14, 1942, on certain conditions and the applicant requested an amendment of the resolution; and

WHEREAS, this case was reopened by vote of the Board on June 15, 1943, subject to usual procedure; and

WHEREAS, the decision of the borough superintendent, dated May 24, 1943, on Misc. Applic. 324-43, reads:

"11. A direct connection to city main is required for the sprinkler system. Art. 15.12.

12. The yard hydrants (voluntary) and the domestic water connections on sprinkler lines may not be permitted. Art. 15.24.

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13. All underground piping shall comply with specifications for C. 1 pipe, American Water Works Association, 1908. Art. 15.26 and 16.4.1.

15. Provide siamese connections as required by Art. 15.16."

and

WHEREAS, the applicant contends as to objections 11 and 12, that the 8-inch private yard main is connected to two separate 8-inch street mains remote from each other, so that the shutting off of one street main will not interfere with the supply from the other main; that tests show a minimum static pressure of 62 lbs. per sq. in. at the mains; that the elevation of the hydrant connection is + 10.30 ft., the elevation of the highest point in any building to be sprinklered is + 35.50 ft.; this gives a rise of 25.2 ft.; the loss in pressure at the highest point is 25.2 ft. by .433 or 11 lbs. per sq. in. without taking into account frictional loss, thus giving a pressure of 51 lbs. per sq. in. at the highest point to be sprinklered, which compares favorably with the required 15 lbs. pressure; that since the yard main system is a continuation of the city main and since it was difficult to obtain critical materials, such critical materials were conserved, by connecting the sprinkler system to the yard main, instead of installing a direct connection to the city main; and

WHEREAS, the applicant contends as to objection 13, that at the time plans for these buildings were prepared, the WPB prohibited the use of cast iron pipe and asbestos cement pipe, Class 150 was used; that in addition thereto, it was felt advisable to use asbestos cement pipe, as there was a great amount of electrical energy used in the plant and metal pipe filled with water would deteriorate, due to electrolysis from stray currents finding their way into the ground; and

WHEREAS, the applicant contends as to objection 15, that as the water pressure at the highest point of any sprinklered building will be far in excess of the 15 lbs. required, the siamese connections were omitted to conserve critical materials and to comply with the requirements of the WPB.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of July 14, 1942 by adding thereto:

"that the decision of the borough superintendent on Misc. Applic. 324-43, be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to objections 11 and 12, *on condition* that the 8-inch yard main fed from both Grand and Maspeth avenues shall be maintained as a source of water for such sprinkler systems and yard hydrants and may also be used for domestic water connections for toilet fixtures and drinking fountains; as to objection 13, that the piping may be of the type as proposed, in view of the temporary permit for the use of this building; as to objection 15, that the siamese connection to the sprinkler system may be omitted, in view of the maintenance of the voluntary yard hydrant system."

517-42-A

APPLICANT—Alexander D. Crosett, for Defense Plant Corporation, owner (Aluminum Company of America, Agent).

SUBJECT—Application reopened June 15, 1943—re Appeal from a decision of the acting borough superintendent; previously granted on condition.

PREMISES AFFECTED—47-19 Grand avenue, entire area bounded by Grand avenue, Page place, 56th road, Newtown and Maspeth Creeks (Block 2600, Lot 200); (Laboratory Building), Maspeth, Borough of Queens.

APPEARANCES—

For Applicant: H. G. Hauck and Philip Brady.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (517-42-A)

WHEREAS, Alexander D. Crosett, for Aluminum Co. of America, as agent, for Defense Plant Corporation, owner, filed on June 29, 1942 an appeal from a decision of the borough superintendent affecting premises 47-19 Grand avenue, entire premises bounded by Grand avenue, Page place, 56th road, Maspeth Creek and Newtown Creek (Block 2257, Lots 2, 16, 31, Block 2256, Lots 60, 61, 63, 150, 153, 155, Block 2235, Lots 1, 225, 300, 330, Block 2236, Lots 70, 75 and 30, Block 2588, Lots 1 and 50, Block 2589, Lot 1, Block 2590, Lot 1, Block 2591, Lots 1 and 34, Block 2592, Lots 1 and 34, Block 2593, Lots 1 and 34, Block 2594, Lots 1 and 34, Block 2595, Lot 1, Block 2596, part of Lot 1, Block 2600, Lots 1 and 45, Block 2601, Lots 1, 21, 28, 34, 40, 44 and 50, Block 2602, Lots 1, 37, 40 and 44, Block 2603, Lot 1, Block 2604, Lot 1, Block 2605, Lot 1 and Block 2606, Lot 1), Maspeth, Borough of Queens; and

WHEREAS, this appeal was granted by the Board on July 14, 1942, on certain conditions and the applicant requested an amendment of the resolution; and

WHEREAS, this case was reopened by vote of the Board on June 15, 1943, subject to usual procedure; and

WHEREAS, the decision of the borough superintendent dated May 24, 1943 on Misc. Applic. 325-43, reads:

"11. A direct connection to city main is required for the sprinkler system. Art. 15.12.

12. The yard hydrants (voluntary) and the domestic water connections on sprinkler lines may not be permitted. Art. 15.24.

13. All underground piping shall comply with specifications for C. 1 pipe, American Water Works Association, 1908. Art. 15.26 and 16.4.1.

15. Provide siamese connections as required by Art. 15.16."

and

WHEREAS, the applicant contends as to Objections 11 and 12, that the 8 inch private yard main is connected to two separate 8 inch street mains remote from each other, so that the shutting off of one street main will not interfere with the supply from the other main; that tests show a minimum static pressure of 62 lbs. per sq. in. at the mains; the elevation of the hydrant connection is +10.30 ft., the elevation of the highest point in any building to be sprinklered is +35.50 ft.; this gives a rise of 25.2 ft.; the loss in pressure at the highest point is 25.2 ft. by .433 or 11 lbs. per sq. in. without taking into account frictional loss, thus giving a pressure of 51 lbs. per sq. in. at the highest point to be sprinklered, which compares favorably with the required 15 lb. pressure; that since the yard main system is a continuation of the city main and since it was difficult to obtain critical materials, such critical materials were conserved, by connecting the sprinkler system to the yard main instead of installing a direct connection to the city main; and

WHEREAS, the applicant contends as to Objection 13, that at the time plans for these buildings were prepared, the WPB prohibited the use of cast iron pipe and asbestos cement pipe, Class 150 was used; that in addition thereto, it was felt advisable to use asbestos cement pipe, as there was a great amount of electrical energy used in the plant and metal pipe filled with water would deteriorate due to electrolysis from stray currents finding their way into the ground; and

WHEREAS, the applicant contends as to Objection 15, that as the water pressure at the highest point of any sprinklered building will be far in excess of the 15 lbs. required, the siamese connections were omitted to conserve critical materials and to comply with the requirements of the WPB.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of July 14, 1942, by adding thereto:

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"that the decision of the borough superintendent on Misc. Applic. 325-43, be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to Objections 11 and 12, *on condition* that the 8 inch yard main fed from both Grand and Maspeth avenues shall be maintained as a source of water for such sprinkler systems and yard hydrants and may also be used for domestic water connections for toilet fixtures and drinking fountains; as to Objection 13, that the piping may be of the type as proposed, in view of the temporary permit for the use of this building; as to Objection 15, that the siamese connection to the sprinkler system may be omitted in view of the maintenance of the voluntary yard hydrant system."

518-42-A

APPLICANT—Alexander D. Crosett, for Defense Plant Corporation, owner (Aluminum Company of America, Agent).

SUBJECT—Application reopened June 15, 1943—re Appeal from a decision of the acting borough superintendent; previously granted on condition.

PREMISES AFFECTED—47-19 Grand avenue, entire area bounded by Grand avenue, Page place, 56th road, Newtown and Maspeth Creeks (Block 2600, Lot 200); (Wash Room Building), Maspeth, Borough of Queens.

APPEARANCES—

For Applicant: H. G. Hauck and Philip Brady.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (518-42-A)

WHEREAS, Alexander D. Crosett, for Aluminum Co. of America, as agent, for Defense Plant Corporation, owner, filed on June 29, 1942 an appeal from a decision of the borough superintendent affecting premises 47-19 Grand avenue, entire premises bounded by Grand avenue, Page place, 56th road, Maspeth Creek and Newtown Creek (Block 2257, Lots 2, 16, 31, Block 2256, Lots 60, 61, 63, 150, 153, 155, Block 2235, Lots 1, 225, 300, 330, Block 2236, Lots 70, 75 and 30, Block 2588, Lots 1 and 50, Block 2589, Lot 1, Block 2590, Lot 1, Block 2591, Lots 1 and 34, Block 2592, Lots 1 and 34, Block 2593, Lots 1 and 34, Block 2594, Lots 1 and 34, Block 2595, Lot 1, Block 2596, part of Lot 1, Block 2600, Lots 1 and 45, Block 2601, Lots 1, 21, 28, 34, 40, 44 and 50, Block 2602, Lots 1, 37, 40 and 44, Block 2603, Lot 1, Block 2604, Lot 1, Block 2605, Lot 1 and Block 2606, Lot 1), Maspeth, Borough of Queens; and

WHEREAS, this appeal was granted by the Board on July 14, 1942, on certain conditions and the applicant requested an amendment of the resolution; and

WHEREAS, this case was reopened by vote of the Board on June 15, 1943, subject to usual procedure; and

WHEREAS, the decision of the borough superintendent dated May 24, 1943 on Misc. Applic. 263-43, reads:

"11. A direct connection to city main is required for the sprinkler system. Art. 15.12.

12. The yard hydrants (voluntary) and the domestic water connections on sprinkler lines may not be permitted. Art. 15.24.

13. All underground piping shall comply with specifications for C. 1 pipe, American Water Works Association, 1908. Art. 15.26 and 16.4.1.

15. Provide siamese connections as required by Art. 15.16.

17. The allowable sprinklers in one fire area on a 6 inch supply may not exceed 220. Art. 15.21."

and

WHEREAS, the applicant contends as to Objections 11 and 12, that the 8 inch private yard main is connected to two separate 8 inch street mains remote from each other, so that the shutting off of one street main will not interfere with the supply from the other main; that tests show a minimum static pressure of 62 lbs. per sq. in. at the mains; the elevation of the hydrant connection is +10.30 ft., the elevation of the highest point in any building to be sprinklered is +35.50 ft., this gives a rise of 25.2 ft.; the loss in pressure at the highest point is 25.2 ft. by .433 or 11 lbs. per sq. in. without taking into account frictional loss, thus giving a pressure of 51 lbs. per sq. in. at the highest point to be sprinklered, which compares favorably with the required 15 lb. pressure; that since the yard main system is a continuation of the city main and since it was difficult to obtain critical materials, such critical materials were conserved, by connecting the sprinkler system to the yard main instead of installing a direct connection to the city main; and

WHEREAS, the applicant contends as to Objection 13, that at the time plans for these buildings were prepared, the WPB prohibited the use of cast iron pipe and asbestos cement pipe, Class 150 was used; that in addition thereto, it was felt advisable to use asbestos cement pipe, as there was a great amount of electrical energy used in the plant and metal pipe filled with water would deteriorate due to electrolysis from stray currents finding their way into the ground; and

WHEREAS, the applicant contends as to Objection 15, that as the water pressure at the highest point of any sprinklered building will be far in excess of the 15 lbs. required, the siamese connections were omitted to conserve critical materials and to comply with the requirements of the WPB; and

WHEREAS, the applicant contends as to Objection 17, that this Objection relates only to the washroom building in which there are 256 heads on a 6 inch line; that the number of heads and pipe sizes were limited by the WPB, to conserve critical material; that the building is 288 ft. by 56 ft. in area unsubdivided; that in this type of building and use, fires would be confined to a small area and not more than a small percentage of the heads would be in use, at any one time.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of July 14, 1942 by adding thereto:

"that the decision of the borough superintendent on Misc. Applic. 263-43, be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to Objections 11 and 12, *on condition* that the 8 inch yard main fed from both Grand and Maspeth avenues shall be maintained as a source of water for such sprinkler systems and yard hydrants and may also be used for domestic water connections for toilet fixtures and drinking fountains; as to Objection 13, that the piping may be of the type as proposed, in view of the temporary permit for the use of this building; as to Objection 15, that the siamese connection to the sprinkler system may be omitted in view of the maintenance of the voluntary yard hydrant system; as to Objection 17, that in view of the temporary permit for the building, the number of sprinklers on the 6 inch supply shall not exceed 256."

630-42-A

APPLICANT—Edward F. Caldwell and Co., Inc., lessee, for 105 Vanderveer Street Corporation, owner.

SUBJECT—Appeal from a decision re an order of the fire commissioner.

PREMISES AFFECTED—105-109 Vanderveer street, west side, 300 ft. north of Bushwick avenue (Block 3471, Lot 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal dismissed for lack of prosecution.

MINUTES

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (630-42-A)

WHEREAS, Edward F. Caldwell and Co., Inc., lessee, for 105 Vanderveer Street Corp., owner, filed on August 20, 1942, an appeal from a decision re an order of the fire commissioner, affecting premises 105-109 Vanderveer street, west side, 300 ft. north of Bushwick avenue (Block 3471, Lot 30), Borough of Brooklyn; and

WHEREAS, the applicant failed to complete the papers in this case, although duly notified to do so.

Resolved, that the appeal be and it hereby is *dismissed* for lack of prosecution.

637-42-S

APPLICANT—J. Sarsfield Kennedy, for Ranger-Aircraft Engines, Division of Fairchild Engine and Aircraft Corporation, owner.

SUBJECT—Variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—184-10 Jamaica avenue, south side, 411.58 ft. east of 183rd street (Block 10532, Lots 70 and 71), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (637-42-S)

WHEREAS, J. Sarsfield Kennedy, for Ranger-Aircraft Engines, Division of Fairchild Engine and Aircraft Corporation, owner, filed on August 27, 1942, an application from a decision of the fire commissioner, affecting premises 184-10 Jamaica avenue, south side, 411.58 ft. east of 183rd street (Block 10532, Lots 70 and 71), Jamaica, Borough of Queens; and

WHEREAS, the applicant failed to complete the papers in this case, although duly notified to do so.

Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

705-42-S

APPLICANT—Kops Brothers, Incorporated (lessee), for Kops Realty Corporation, owner.

SUBJECT—Variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—100-02 Rockaway boulevard, northwest corner of 101st street (Block 9539, Lot 1), Ozone Park, Borough of Queens.

APPEARANCES—

For Applicant: William A. Smith.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (705-42-S)

WHEREAS, Kops Brothers, Inc., lessee, for Kops Realty Corporation, owner, filed October 24, 1942 an application for variation of the requirements of the Labor Law as cited in a decision of the fire commissioner, affecting premises 100-02 Rockaway boulevard, northwest corner of 101st street (Block 9539, Lot 1), Ozone Park, Borough of Queens; and

WHEREAS, the decision of the fire commissioner dated September 2, 1942, reads:

"In response to your communication of August 31st you are advised that the Fire Commissioner is without authority to grant permission for the locking or bolting of any exit door in a factory building. The law, in this respect, is mandatory and may be modified only on application to the Board of Standards and Appeals, Room 1000, Municipal Building, Manhattan."

and

WHEREAS, the applicant states that the building is 2 stories (30 ft.) in height, 200 ft. by 65 ft. in area, of Class 1 construction, erected in 1922 and 1931 and used as follows: cellar—lunch room and machine shop; 1st floor—office, storage and shipping—87 persons; 2nd floor—storage and manufacturing—279 persons; that the building is equipped with a sprinkler system, standpipe system, interior fire alarm system and fire drills are maintained; that there are two 5 ft. wide fireproof interior stairs leading from roof directly to the street; that Certificate of Occupancy 44695 issued October 9, 1930 on N. B. Applic. 7723-41, permits the use of the building for factory on the 1st and 2nd stories; and

WHEREAS, the applicant contends that the War Department has recommended that the doors be equipped with panic bolts as follows:

- 1 door on street floor leading to Rockaway boulevard.
- 1 door on street floor leading to 101st street.
- 1 door on street floor leading to garden adjacent to the plant on the southeast corner.
- 1 door in basement leading to garden.

and

WHEREAS, the applicant has filed a copy of the recommendation of the Plant Security Office of the U. S. Army, recommending the installation of the panic bolts in question on three of the doors as follows:

- outside stairway door at southwest corner of building opening into yard area,
- outside first floor door, west side of building opening on to Rockaway boulevard,
- outside stairway door at northwest corner of building opening on to Rockaway boulevard.

and

WHEREAS, the records of the Fire Department do not indicate that an approved interior fire alarm system is installed in the building and the applicant states that the alarm does not comply with the rules and is voluntarily installed, that a fire brigade is maintained within the building and that there is a connection to central station in connection with the sprinkler system.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the fire commissioner dated September 2, 1942 and that the application be and it hereby is *granted on condition* that the panic bolts shall be installed only on such exit doors from the first floor and cellar, as described and as indicated on plans filed with this appeal marked "Received July 16, 1943"; that such panic bolts shall be of an approved type; that the sprinkler and standpipe systems shall be maintained to the satisfaction of the fire commissioner; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that this variance shall continue only during the term of the present emergency; that a new Certificate of Occupancy shall be obtained, superseding present Certificate 44695, so as properly to describe the occupancy and use of all portions of the building.

753-42-A

APPLICANT—Jaygol Products Corporation, lessee, for Rose Najjar, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—141-143 Atlantic avenue, north side, 192 ft. 7 in. east of Henry street (Block 275, Lots 13 and 14), Borough of Brooklyn.

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APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (753-42-A)

WHEREAS, Jaygol Products Corporation, lessee, for Rose Najjar, owner, filed on October 22, 1942, an appeal from an order of the fire commissioner, affecting premises 141-143 Atlantic avenue, north side, 192 ft. 7 in. east of Henry street (Block 275, Lots 13 and 14), Borough of Brooklyn; and

WHEREAS, the applicant failed to complete the papers in this case, although duly notified to do so.

Resolved, that the appeal be and it hereby is *dismissed* for lack of prosecution.

755-42-A

APPLICANT—Robert Dreyfuss, for Morris Baumgarten, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—1910 Hennessy place, east side, 106.14 ft. north of West Burnside avenue (Block 3228, Lot 81), Borough of The Bronx.

APPEARANCES—

For Applicant: Robert Dreyfuss and Morris Baumgarten.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (755-42-A)

WHEREAS, Robert Dreyfuss, for Morris Baumgarten, owner, filed October 26, 1942 an appeal from a decision of the borough superintendent, affecting premises 1910 Hennessy place, east side, 106.14 ft. north of West Burnside avenue (Block 3228, Lot 81), Borough of The Bronx; and

WHEREAS, the decision of the borough superintendent dated October 22, 1942 on Alt. Applic. 454-42 reads:

"5. Conversion of three story frame structure to two family dwelling is not permissible, as per Sections 2.1.3.5 and 4.2.1 of the Building Code.

Proposed conversion of new chamber to kitchen creates a second apartment."

and

WHEREAS, the applicant states that the building is 3 stories (28 ft.) in height, 22 ft. by 54 ft. in area at 1st floor, 19 ft. by 37 ft. in area at typical floor, of Class 4 construction, erected in 1922, located in a residence use, B area district and occupied: basement—2 car private accessory garage and boiler room; 1st floor and 2nd floor combined—1 family; proposed to be occupied: basement—2 car private accessory garage and boiler room; 1st and 2nd floors—dwelling—1 family; and

WHEREAS, the applicant contends that the building will not be occupied by two families and is not a three story building within the intent of the law; that it is proposed to install an additional kitchen on the 2nd floor; that there will be two kitchens in the building; that only one family will occupy the building; that the owner previously occupied a large apartment together with his wife, daughter, son-in-law and infant grandchild and intends to occupy the building in question with the exact same family; that the basement walls are entirely of stone construction; and

WHEREAS, the applicant further contends that the building is located on a very steep hill and the basement of this building is partly below ground on the front or westerly

side, and almost entirely below ground on the northerly and easterly sides. Due to the hill, it is entirely above ground on the southerly side.

Resolved, that the decision of the borough superintendent acting on Alt. Applic. 454-42, be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to Objection 5, on condition that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applying to a 2-story building without basement; that the lower story, whether termed "basement" or "cellar," shall not be used or occupied in any way for living purposes, but shall be exclusively used for the accessory garage and boiler room.

777-42-A

APPLICANT—Joseph Lau, for City Bank Farmers Trust Company, trustee, (Sound Devices, Incorporated, lessee).

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—1409 Sedgwick avenue, west side, 125 ft. south of West 171st street (Block 2541, part of Lot 45), Borough of The Bronx.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (777-42-A)

WHEREAS, Joseph Lau, for City Bank Farmers Trust Company, trustee (Sound Devices, Incorporated, lessee), filed on November 5, 1942, an appeal from a decision of the acting borough superintendent, affecting premises 1409 Sedgwick avenue, west side, 125 ft. south of West 171st street (Block 2541, part of Lot 45), Borough of The Bronx; and

WHEREAS, the applicant failed to complete the papers in this case, although duly notified to do so.

Resolved, that the appeal be and it hereby is *dismissed* for lack of prosecution.

783-42-A

APPLICANT—Max Kraus, for Estate of S. B. Kraus, owner.

SUBJECT—Appeal from a decision of the fire commissioner re Packaging of Inflammable Mixture known as "Fly-Spray" in 6 oz., 16 oz. and 32 oz. Glass Bottles (capacity of bottles not in conformity with Administrative Code Specifications).

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (783-42-A)

WHEREAS, Max Kraus, for Estate of S. B. Kraus, owner, filed November 9, 1942, an appeal from a decision of the fire commissioner, re packaging of an inflammable mixture known as "Fly-Spray" in 6 oz., 16 oz. and 32 oz. glass bottles (capacity of bottles not in conformity with the Administrative Code Specifications); and

WHEREAS, the applicant failed to complete the papers in this case, although duly notified to do so.

Resolved, that the appeal be and it hereby is *dismissed* for lack of prosecution.

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798-42-A

APPLICANT—Ex-Lax, Incorporated, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—423-443 Atlantic avenue, north side, 250 ft. east of Bond street (Block 178, Lots 54-64), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (798-42-A)

WHEREAS, Ex-Lax, Incorporated, owner, filed on November 13, 1943, an appeal from an order and a decision of the fire commissioner, affecting premises 423-443 Atlantic avenue, north side, 250 ft. east of Bond street (Block 178, Lots 54-64), Borough of Brooklyn; and

WHEREAS, the applicant failed to complete the papers in this case, although duly notified to do so.

Resolved, that the appeal be and it hereby is *dismissed* for lack of prosecution.

809-42-A

APPLICANT—Harlem Chemical Company, lessee, for Interboro Industrials, Incorporated, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—37-11 22nd street, east side, 100 ft. southeast of 37th avenue (Block 365, Lot 10), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: A. H. Eicher.

For Administration: Vincent Matteis, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (809-42-A)

WHEREAS, Harlem Chemical Company, lessee, for Interboro Industrials, Inc., owner, filed November 20, 1942, an appeal from an order of the fire commissioner affecting 37-11 22nd street, east side, 100 ft. southeast of 37th avenue (Block 365, Lot 10), Long Island City, Borough of Queens; and

WHEREAS, Order 93236-LC, issued by the fire commissioner October 15, 1942, repeated in a decision of the fire commissioner dated November 15, 1942, reads:

"1. Remove the 2 drums of naphtha from the premises and discontinue the further storage of naphtha on said premises pending the installation of an approved storage system. Plans and specifications to be filed with and approved by the Department of Housing and Buildings before the work of installing storage tank is commenced. The tank to be tested and the installation supervised by a representative of the Division of Combustibles, Fire Department. C-19-11, Administrative Code."

and

WHEREAS, the applicant states the building is one story (15 ft.) in height, 50 ft. by 100 ft. in area; of Class 3 construction; erected 1917; located in an unrestricted use district and occupied for bottling and mixing insectides, 4 persons; that Certificate of Occupancy 3423-A, issued December 16, 1927, permits the use of the building as a factory; and

WHEREAS, the applicant contends that the tanks and fittings, necessary to comply with the Fire Department order, cannot be obtained, due to priority restrictions; that a separate room has been constructed of 8 in. terra cotta

block, equipped with fireproof self-closing door for the storage of naphtha in steel drums, under the supervision of a person holding a certificate of fitness; that there is no open flame on the premises and the lights are vapor proof; that the building is equipped with 6 skylights, one of which ventilates the naphtha storage and filling room, and it is requested that the Board permit the storage of naphtha in steel drums within the existing filling room, for the duration of the war and 6 months thereafter, on condition that the storage and filling be under the supervision of a person holding a certificate of fitness, to operate a technical establishment.

Resolved, that the decision of the fire commissioner, on order 93236-LC, item 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that not more than two (2) drums of naphtha shall be stored on the premises; that such naphtha shall be stored in the original drums and kept within the proposed room, constructed of fireproof material, as indicated on plans filed with this appeal and ventilated through a skylight with fixed louvres to the outer air; that a concrete sill shall be installed at the door opening, not less than 6 in. in height; that the ceiling of the filling room shall be fire-retarded; that all filling from the drums into containers shall be done within such room; that a pump as approved by the Underwriters' Laboratories or the Factory Mutuals shall be used in the pumping from the drums; that such portable fire-fighting appliances shall be maintained within the filling room and within the premises, as the fire commissioner shall direct; that any lights or electrical equipment within the filling room, shall be of the vapor-proof type; that a certificate of fitness shall be obtained and held by the person in charge of the filling; that this variance shall continue only during the term of the present emergency.

823-42-A

APPLICANT—Israel Tilden, for Mary L. Walker, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—3860-3868 Tenth avenue and 500 West 207th street, southwest corner (Block 2219, Lot 21), Borough of Manhattan.

APPEARANCES—

For Applicant: Israel Tilden and Robert Dreyfuss.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (823-42-A)

WHEREAS, Israel Tilden, for Mary L. Walker, owner, filed November 25, 1942 an appeal from a decision of the borough superintendent affecting premises 3860-3868 Tenth avenue and 500 West 207th street, southwest corner (Block 2219, Lot 21), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent dated November 4, 1942, on amendment to Alt. Applic. 1202-42, reads:

"21. Building should be fireproof throughout. Reconsideration denied."

and

WHEREAS, the applicant states that the building is three stories (35 ft. 6 in.) in height; 134 ft. 3½ in. by 93 ft. average in area at 1st floor; 25 ft. by 55 ft. 1½ in. in area at typical floor; of Class 3 construction; erected 1910; located in a business and residence use district; equipped with a sprinkler system and used and occupied as follows; cellar, bowling alley, storage and boiler room; 1st floor, post office and stores; 2nd floor, furnished rooms, 13 persons; 3rd floor, furnished room, 13 persons; that it is proposed to be used and occupied as follows: cellar, same; 1st floor meeting room and stores; 2nd floor, furnished room, 13 persons; 3rd

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floor, furnished room, 13 persons; that Certificate of Occupancy 10677 issued June 11, 1934, permits the use of the building as follows: cellar, storage and bowling alleys, 30 persons; 1st floor, stores and post office, 6 persons; 2nd floor, furnished rooms, no persons stated; 3rd floor, furnished rooms, no persons stated; and

WHEREAS, the applicant contends that the building is classified as non-fireproof construction under Section 3.2.3; that under Sec. 4.2.1, the height is limited to 20 ft. and the area to 5,000 sq. ft.; that the building faces on two streets and is 3 stories for the entire frontage on West 207th street and for 25 ft. on Tenth avenue; that the balance is one story; that the portion of the building proposed to be occupied as a meeting room, lies entirely in the one-story extension; that the intent of Sec. 4.2.1, is to prevent an increased fire hazard in a multiple dwelling; that the proposed occupancy in the extension does not increase this hazard and that the hazard will not be as great as it would be if this portion was divided into miscellaneous stores, and it is therefore requested that a modification be granted, to permit the use of the space formerly occupied as a post office as a place of public assembly.

Resolved, that the decision of the borough superintendent, acting on Alt. Applic. 1202-42, objection 21, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the public occupancy shall be restricted to the one-story portion of the building; that the exits from same shall consist of at least two exits to Tenth avenue and one exit to the rear yard, from which access to the street can be obtained by means of an exterior passage through adjoining property; that permission for such passage shall be obtained and filed with the borough superintendent; that the ceiling of the story under the three-story portion of the building, shall be fire-retarded; that the wall under the 3-story exterior walls, separating the first floor stores from the area proposed for public occupancy, shall be separated by fire-retarded partitions approved for at least one-hour test; that no openings shall be made into such stores from the portion proposed for public occupancy; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

828-42-A

APPLICANT—Frank Nahr, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—15-22 Broad street, west side, 300 ft. south of Rockaway boulevard (Block 15725, Lots 109 and 110), Hook Creek, Borough of Queens.

APPEARANCES—

For Applicant: Frank Nahr.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (828-42-A)

WHEREAS, Frank Nahr, owner, filed November 27, 1942, an appeal from a decision of the borough superintendent, affecting premises 15-22 Broad street, west side, 300 ft. south of Rockaway boulevard (Block 15725, Lots 109 and 110), Hook Creek, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated October 27, 1942 on N. B. Applic. 2087-40 reads:

"1. The erection of a frame structure in the fire limits is contrary to sec. 4.1.2 B.C."

and

WHEREAS, the applicant states that the premises consist of a plot 50 ft. by 100 ft. in area located in an undetermined use, A area district upon which there exists a two story dwelling, 30 ft. in height, 18 ft. by 39 ft. in area, of Class 4

construction and a one story garage, 14 ft. by 18 ft. in area, of Class 4 construction; and

WHEREAS, the applicant contends, that in 1939, the garage in question was constructed without a permit, an architect was retained and a permit secured; that the Building Department refused to accept the construction; that the weight of a masonry building on the marsh soil of these premises would mean a constant job of raising the structure after each monthly high tide; that all of the dwellings and garages in the community are on mud sills and have experienced no difficulty since erection 25 years ago; that in order to permit the owner to protect his car from salt air corrosion and freezing weather, it is requested that the Board permit the frame garage which is constructed to harmonize with the dwelling on the same plot to remain.

Resolved, that the decision of the borough superintendent on N. B. Applic. 2087-40, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the proposed garage shall be for accessory use only to the dwelling and shall be constructed in accordance with the requirements for a similar building erected outside the fire limits and shall not be nearer than 4 ft. to the side and rear lot lines.

850-42-A

APPLICANT—L. A. Failing, for Henry G. Fischer, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—71 Grape street, south side, 67 ft. west of Tangerine street (Block 4321, Lot 255), South Jamaica, Borough of Queens (under section 36, General City Law, re building does not face on a legal street, Grape street, also under section 35, General City Law, re bed of mapped street, Farmers boulevard).

APPEARANCES—

For Applicant: Rev. L. A. Failing and Henry G. Fischer.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (850-42-A)

WHEREAS, L. A. Failing, for Henry G. Fischer, owner, filed on December 4, 1942, an appeal from a decision of the borough superintendent and an application pursuant to Section 36 of the General City Law, for permission to erect a building facing on a street which is not legally mapped and an application pursuant to Section 35 of the General City Law for the erection of a building in the bed of a mapped street (Farmers boulevard) affecting premises 71 Grape street, south side, 67 ft. west of Tangerine street (Block 4321, Lot 255), South Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated June 18, 1943 on Alt. Applic. 824-42, reads:

"1. Building does not face a legal street contrary to Sec. 36 of the General City Laws.

2. Building is in bed of mapped street contrary to Sect. 35, Art. 3 of general city law.

3. The change of use from a frame garage into a frame residence building within fire limits is contrary to Sect. 4.1.2 of N.Y.C. Bldg. Code."

and

WHEREAS, the applicant states that the building is 1½ stories, (18 ft.) in height; 18 ft. 4 in. by 20 ft. 4 in. in area; of Class 4 construction; erected 1941; located on a lot 26 ft. by 86 ft. in area in an undetermined use, D area district, and used as follows: 1st floor, living room, kitchen and bath, 2 persons; 2nd floor, bedroom, 2 persons, total, one family; and

WHEREAS, the applicant contends as to Objection 1 of the borough superintendent's decision, that the building in ques-

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tion is in line with all existing dwellings on Grape street; and as to Objection 2 of the borough superintendent's decision, that Farmers boulevard was mapped before the Idlewild Airport was proposed and since then, other streets have been chosen as the main thoroughfare for the airport; that consequently it is felt that Farmers boulevard will not be opened from Rockaway boulevard to 152nd avenue; as to Item 3 of the borough superintendent's decision, that the building is located a sufficient distance from any existing building, so as to minimize the fire hazard; that the building is constructed of 2 in. by 4 in. wood studs, wood siding, asphalt shingle roof, poured concrete foundation with one course of concrete blocks above grade; and

WHEREAS, the applicant further contends that St. Peter Ev. Lutheran Church purchased a dwelling and two car garage at 16 Golder avenue, South Jamaica, from the City of New York and were required to remove same to make way for the Idlewild Airport Development; that the dwelling was moved to church property to be used as a parsonage and since a garage was already existing on the church property, the garage building in question was sold to the present owner, who moved it to the premises in question and converted it to a dwelling.

Resolved, that the decision of the borough superintendent on Alt. Applic. 824-42, be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to Objections 1 and 2, under the authority granted the Board under Sections 35 and 36 of the General City Law, to permit the continuance of the building as proposed within the bed of Farmers boulevard, *on condition* that, in the event the property is condemned for street purposes, the owner shall remove the building from the bed of the mapped street at his own expense and make no claim for remuneration for the building and the cost of removal; and as to Objection 3, that the building shall comply in all other respects with the requirements for a similar building, when erected outside of the fire limits.

851-42-A

APPLICANT—Saul Goldsmith, for Alfred Moscola, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1419-1427 Sheepshead Bay road and 2600-2616 East 15th street, northwest corner (Block 7459, Lot 7), Borough of Brooklyn.

APPEARANCES—

For Applicant: Saul Goldsmith.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (851-42-A)

WHEREAS, Saul Goldsmith, for Alfred Moscola, owner, filed December 4, 1942, an application to revoke certificates of occupancy 73421 and 75636, affecting premises 1419-1427 Sheepshead Bay road and 2600-2616 East 15th street, northwest corner (Block 7459, Lot 7), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent, dated December 3, 1942, on Alt. Applic. 901-42, reads:

"Request to revoke Certificates of Occupancy 73421 and 75636 denied. Authority to revoke certificates of occupancy is vested solely with Board of Standards and Appeals."

WHEREAS, the applicant states the building is 3 stories (37 ft.) in height, 52 ft. by 126 ft. 9 in. in area at 1st floor, 42 ft. by 48 ft. in area above; Class 4 construction; erected in 1888, located in a business use district and occupied: cellar, boilerroom and storage; 1st floor, restaurant and cabaret, 100 persons; 2nd floor, Class B multiple dwelling;

3rd floor, same, and that no change in use or occupancy is proposed; and

WHEREAS, Violation 4089-42, issued September 22, 1942, was for occupying the building as a Class B multiple dwelling without a certificate of occupancy for such use; and

WHEREAS, applicant contends that in 1921, an alteration was made to the first floor, consisting of erecting partitions at the first floor rear, behind the front space occupied by a bowling alley; that the application called for use and occupancy as a hotel and bowling alleys; that this work was done under Alt. 5051-21 and Certificate of Occupancy 3266A; that in 1934, the first floor lessee filed an application in order to secure a certificate of occupancy for the first floor use as a restaurant and cabaret and one family on each of the 2nd and 3rd floors; that this work was done under Alt. 2903-34 and Certificate of Occupancy 73421; that again in 1934, the first floor lessee filed an application in order to secure a certificate of occupancy for the first floor use, to extend the restaurant and cabaret use into the space used for a billiard parlor; that this work was done under Alt. 11431-34 and Certificate of Occupancy 75636; that the last two applications and certificates of occupancy were filed and secured by the lessee without the proper consent or authorization from the owners; that the lessee of the 1st floor was primarily concerned with his own first floor use of the premises; that in order to save complications for himself, the true use and occupancy of the upper floors were misrepresented; that as a matter of fact, the Housing Division records of that date, show the classification and use of the building as a Heretofore Converted Class B multiple dwelling; that it is therefore respectfully requested that the Board revoke Certificates of Occupancy 73421 and 75636, due to the fact that the issuance of the same were based on misrepresented statements; that plans have been filed in the Division of Buildings in order to make the building comply with Article 6 of the Multiple Dwelling Law as a Heretofore Converted multiple dwelling, Class B; that the plans and application are filed under Alt. 901-42; that a consultation with the Housing Division, it was generally agreed that in the event of affirmative action of the Board in revoking the certificate of occupancy in question, the maximum protection to life and limb would be afforded by the classification of the Housing Division as of 1934, as a Heretofore Converted Multiple Dwelling, Class B; that this would require the installation of a sprinkler system in the hall and compliance with all other the other provisions of Article 8 of the Multiple Dwelling Law; that it is therefore requested that the Board grant this appeal in revoking Certificates of Occupancy 73421 and 75636, in order to insure the greatest possible protection to the occupants of the building, carry out the full spirit of the Law and do justice to all concerned; and

WHEREAS, the Board deemed that the certificates of occupancy in question were improperly issued, for the occupancy of the 2nd and 3rd floors as one family each; and

WHEREAS, the Board is not passing on whether the present use is lawful or whether it should be classified as a multiple dwelling, A or B as classified by the court in the Matter of Zicarilli vs. Post.

Resolved, that the decision of the borough superintendent on Alt. Applic. 901-42, be and it hereby is *modified* and that the appeal be and it hereby is *granted*, revoking Certificates of Occupancy 73421 and 75636, to permit the owner to comply with the requirements of the Multiple Dwelling Law and to obtain a Certificate of Occupancy for such use as may be permitted on a legal basis.

884-42-A

APPLICANT—Waldes-Koh-I-Noor, Incorporated, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—47-16 Austel (Amstel) place, west side, 140 ft. south of Skillman avenue and 47-52 27th street (Block 98, Lots 30 and 42), Long Island City, Borough of Queens.

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APPEARANCES—

For Applicant: Joseph Urban.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (884-42-A)

WHEREAS, Waldes-Koh-I-Noor, Inc., owner, filed December 16, 1942 an appeal from a decision of the borough superintendent affecting premises 47-16 Austel place (Amstel place), west side, 140 ft. south of Skillman avenue and 47-52 27th street (Block 98, Lots 30 and 42), Long Island City, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated December 10, 1942 on Alt. Applic. 3071-42, reads:

"1. The erection of non-fireproof partition in a fireproof factory building is contrary to Sub. Art. 9, Sec. 10.9.2.5 N. B. Code."

and

WHEREAS, the applicant states that the building is four stories (59 ft.) in height, 378 ft. by 80 ft. in area, of Class 1 construction, equipped with a sprinkler system, erected in 1916, located in an unrestricted use district and used as follows: 1st floor, factory, shipping and receiving, 80 persons; 2nd floor, factory and office, 200 persons; 3rd floor, factory and stock room, 100 persons; 4th floor, factory, 300 persons; and

WHEREAS, Certificate of Occupancy 475 issued December 28, 1917, permits the use of the building throughout as a factory, 200 lbs, liveload; no limitation on the number of occupants; and

WHEREAS, the applicant contends that partitions have been erected as office enclosures, inspection rooms, etc. for use of the Army and Navy and for the owner's use; that some of the partitions are constructed of 2 in. by 4 in. wood studs, covered with sheet rock on both sides from floor to ceiling and other partitions are of wood and glass; that the plant is engaged in non-hazardous war work; that there 9 interior enclosed fireproof stairways extending from the 1st story to roof; that the building is equipped with a two-source sprinkler system, an adequate number of portable fire extinguishers and the partitions were constructed for the duration of the war only.

Resolved, that the decision of the borough superintendent on Alt. Applic. 3071-42, objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the partitions involved, shall be only those now erected on the third and fourth floors, of the construction as described; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as modified by the Board under Cal. 176-21-A and Cal. 554-42-S; that a new Certificate of Occupancy shall be obtained, superseding existing Certificate 475 issued in 1917, to include the permitted occupancy per floor not now shown on the certificate; that this variance shall continue only during the term of the present emergency and while the building is occupied throughout for the manufacture of metal products.

5-43-A

APPLICANT—David C. Broderick, for Margaret T. Gilmartin, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—444 West 259th street, south side, 160 ft. east of Riverdale avenue (Blocks 3423A and 3423B, part of Lot 140), Borough of The Bronx

(Under Section 35, General City Law re bed of Mapped Street—Delafield Avenue).

APPEARANCES—

For Applicant: David C. Broderick.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (5-43-A)

WHEREAS, David C. Broderick, for Margaret T. Gilmartin, owner, filed on January 4, 1943, an appeal from a decision of the borough superintendent, an application for permission to erect a building in the bed of mapped street, pursuant to the powers vested in the Board under Section 35 of the General City Law, affecting premises 444 West 259th street, south side, 160 ft. east of Riverdale avenue (Blocks 3423A and 3423-B, part of Lot 140), Borough of The Bronx; and

WHEREAS, the decision of the borough superintendent on B. N. 707-41, dated December 15, 1942, reads:

"1. Erection of a proposed building to be used for storage purposes in a residence district, is contrary to Art. 2, Sec. 3 of the Zoning Resolution.

2. Erection of a shed within the bed of a mapped street is contrary to Sec. 35 of the General City Law.

3. Erection of a frame building used for purposes other than dwelling purposes is contrary to Sec. 4.1.3.1-a of Building Code."

and

WHEREAS, the premises consist of a plot 105 ft. by 82.95 ft. in area, upon which it is proposed to erect a building one story, 10 ft. in height; 9 ft. 4 in. by 12 ft. 10 in. in area, to be used for the storage of household articles in connection with adjoining dwelling located on the westerly portion of the plot at No. 444 West 259th street; and

WHEREAS, the applicant contends that the owner purchased the land in 1928 and erected a multiple dwelling on a portion of the plot; that not having sufficient storage space, the shed in question was erected a year and half ago; that the shed is not used for any commercial purpose and no income is derived from its use; that it is merely used for the storage of materials, including tools, which are used in connection with a victory garden on part of the premises; that the shed does not constitute a fire hazard, due to its location at a distance from the dwelling; that it is essential to maintain this shed in order to operate the building; that due to priorities, it would be impossible to erect a shed of more substantial nature; that the shed in question is not a violation of Article 2, Sec. 3 of the Zoning Resolution, as it is not used for commercial purposes, but is accessory to the dwelling; that the owner has paid taxes on land and although Delafield avenue was mapped a great many years ago, nothing has been done by the City to take over this portion of it; that the owner is willing to waive any claim for damages as a result of the erection of the building, if the City sees fit to open this portion of Delafield avenue.

Resolved, that the decision of the borough superintendent on B. N. Applic. 707-41, be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to Objection 2, under the authority granted the Board under section 35 of the General City Law, to permit the continuance of the shed as set forth, *on condition* that in the event the property is acquired by the City of New York for street purposes, the shed shall be removed by the owner without expense to the City or claim for remuneration therefor; as to Objection 1, that the building shall be occupied only as proposed, as accessory to the Victory Garden maintained by the owner of the existing multiple dwelling at 444 West 259th street; as to Objection 3, that the building shall not be increased in height or area and shall be used only for the purposes as set forth and shall be immediately removed upon termination of such use.

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18-43-A

APPLICANT—Bernard M. Siegel, for Rose Bernhardt, owner (Bernhardt Bros., Inc., lessee).

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—395 Atlantic avenue, north side, 35 ft. east of Bond street (Block 177, Lot 35), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (18-43-A)

WHEREAS, Bernard M. Siegel, for Rose Bernhardt, owner, (Bernhardt Bros., Inc., lessee), filed on January 13, 1943, an appeal from an order and a decision of the fire commissioner affecting premises 395 Atlantic avenue, north side, 35 ft. east of Bond street (Block 177, Lot 35), Borough of Brooklyn; and

WHEREAS, the applicant failed to complete the papers in this case, although duly notified to do so.

Resolved, that the appeal be and it hereby is dismissed for lack of prosecution.

28-43-A

APPLICANT—George W. Swiller, for 8th Avenue Medical and Oxygen Ambulance Service, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1314 St. Nicholas avenue and 594 West 176th street, southeast corner (Block 2133, Lot 7), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (28-43-A)

WHEREAS, George W. Swiller, for the 8th Avenue Medical and Oxygen Ambulance Service, Inc., owner, filed on January 16, 1943, an appeal from a decision of the borough superintendent, affecting premises 1314 St. Nicholas avenue and 594 West 176th street, southeast corner (Block 2133, Lot 7), Borough of Manhattan; and

WHEREAS, the applicant failed to complete the papers in this case, although duly notified to do so.

Resolved, that the appeal be and it hereby is dismissed for lack of prosecution.

43-43-A

APPLICANT—Otto L. Spannhake, for 127 West 46 Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—121-127 West 46th street, north side, 275 ft. west of Sixth avenue (Block 999, Lot 19), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (43-43-A)

WHEREAS, Otto L. Spannhake, for 127 West 46 Corporation, owner, filed on January 26, 1943, an appeal from a decision of the borough superintendent, affecting premises 121-127 West 46th street, north side, 275 ft. west of Sixth avenue (Block 999, Lot 19), Borough of Manhattan; and

WHEREAS, the applicant failed to complete the papers in this case, although duly notified to do so.

Resolved, that the appeal be and it hereby is dismissed for lack of prosecution.

89-43-A

APPLICANT—Judson E. Schnall, for Rose Wagner, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—131 Sumner avenue and 286-294 Hart street, southeast corner (Block 1594, Lot 9), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (89-43-A)

WHEREAS, Judson E. Schnall, for Rose Wagner, owner, filed on March 2, 1943, an appeal from a decision of the borough superintendent, affecting premises 131 Sumner avenue and 286-294 Hart street, southeast corner (Block 1594, Lot 9), Borough of Brooklyn; and

WHEREAS, the applicant failed to complete the papers in this case, although duly notified to do so.

Resolved, that the appeal be and it hereby is dismissed for lack of prosecution.

196-43-A

APPLICANT—Acralite Co., Inc., (lessee), for Lintex, Inc., owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—257-261 West 38th street, north side, 200 ft. east of Eighth avenue (16th floor); (Block 788, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (196-43-A)

WHEREAS, Acralite Co., Inc., lessee, for Lintex, Inc., owner, filed on April 28, 1943, an appeal from an order and a decision of the fire commissioner, affecting premises 257-261 West 38th street, north side, 200 ft. east of Eighth avenue (16th floor); (Block 788, Lot 16), Borough of Manhattan; and

WHEREAS, the applicant failed to complete the papers in this case, although duly notified to do so.

Resolved, that the appeal be and it hereby is dismissed for lack of prosecution.

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214-43-A

APPLICANT—Theodore Heilig, for Lex Holding Corporation, owner (L. V. Hoffman and Co., Inc., Agent) (Tedlee Corp., and The Kentlee Co., Inc., lessees).
SUBJECT—Appeal from an order of the fire commissioner.
PREMISES AFFECTED—137-139 East 25th street, north side, 79.10 ft. east of Lexington avenue and 138 East 26th street (3rd floor); (Block 881, Lot 29), Borough of Manhattan.

APPEARANCES—

For Applicant: Theodore Heilig.

For Administration: Vincent Matteis, Fire Dep't.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

THE RESOLUTION (214-43-A)

WHEREAS, Theodore Heilig, for Tedlee Chemical Corp., lessee, Lex Holding Corp., owner, filed on May 5, 1943, an appeal from an order of the fire commissioner affecting premises 137-139 East 25th street, north side, 79.10 ft. east of Lexington avenue and 138 East 26th street (3rd floor); (Block 881, Lot 29), Borough of Manhattan; and

WHEREAS, Order 33983-LC, issued by the fire commissioner March 30, 1943, reads:

"With regard to your application for permit to store and transfer methyl bromide to ampules at the location noted above, it is regretted that your application for such permit is disapproved for the reason that, building is not occupied exclusively by you and location is in part of city that is well populated. For the reasons stated, this department is not in a position to stipulate conditions which in its judgment would satisfy the requirements of Sec. C19-11, Art. 1, New York City Administrative Code.

YOU ARE THEREFORE, HEREBY, ADVISED TO

1. Discontinue the storage and transferring of methyl bromide from one container to another on these premises. Sec. C-19-11, Art. L, Administrative Code."

and

WHEREAS, the applicant states the building is ten stories and penthouse (approximately 100 ft.) in height, 42 ft. 5½ in. by approximately 190 ft. in area, running through to East 26th street; erected in 1904; located in a business use district; Class 1 construction; equipped with a sprinkler system and occupied: Cellar, storage, 1 person; 1st floor, printing, 11 persons; 2nd floor, same, 3 persons; 3rd floor, packaging of chemicals, 35 persons; 4th floor, printing, 10 persons; 5th floor, manufacturing parachute seats, 32 persons; 6th floor, manufacturing bandages, 29 persons; 7th, 8th, 9th and 10th floors, printing, 12, 17, 11 and 12 persons, respectively; penthouse, printing, 8 persons, and that no change in use or occupancy is proposed; and

WHEREAS, the applicant contends that the fire commissioner should not have denied the application to permit the storage and transfer of methyl bromide at the premises in question, as the work being performed is 100% secret war work for the U. S. Government; that the operation of the plant is safe; that the refrigerant used is F12; that the chemical room is constantly under the supervision of one or more chemists; that ventilation consists of a minimum velocity of 150 l.f.m. through hood, a 10,100 CFM capacity blower; that complete air change of room every 45 seconds; that the plant is operated under the approval of the New York State Department of Labor; that for these reasons, it is requested the Board permit the operation to continue, as any delay would cause loss of needed products for the armed forces, unemployment of over 50 people, dislocation of the plant and loss of money to the operators; and

WHEREAS, the applicant has filed a copy of a letter from the State Department of Labor dated February 25, 1943, permitting the plant to operate, with the understanding that means will be provided for tempering the air entering the

workroom and for interlocking mechanically or electrically, the ventilating unit with the flow of methyl bromide; and

WHEREAS, the premises were inspected by a committee of the Board.

Resolved, that the order of the fire commissioner, Order 33983-LC, be and it hereby is *affirmed* and that the appeal be and it hereby is *denied*.

230-43-A

APPLICANT—Hilo Varnish Corporation, for The Peellee Company, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—42-60 Stewart avenue, east side, from Harrison place to Ingraham street (Block 3001, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Frank M. Schumann.

For Administration: Vincent Matteis, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (230-43-A)

WHEREAS, Hilo Varnish Corporation, for The Peellee Company, owner, filed May 14, 1943, an appeal from an order and decision of the fire commissioner; premises 42-60 Stewart avenue, east side, from Harrison place to Ingraham street (Block 3001, Lot 1), Borough of Brooklyn; and

WHEREAS, Order 94288-LC, issued by the fire commissioner March 13, 1943, and repeated in a decision of the fire commissioner dated May 3, 1943, reads:

"You are hereby notified that an inspection of the above premises used to store varnish, benzine, etc. shows that the following must be done before the permit requested by you can be issued:

FORTHWITH

1. Discontinue the storage of Solvesso No. 1 and No. 2 in quantities greater than 5 gallons or provide an approved buried system for same. C-19-11.0. Admin. Code.

Please notify this Department promptly when this order has been complied with. It is unlawful for you to store varnish, benzine, etc. with a permit."

and

WHEREAS, the applicant states the building is 3 stories, (60 ft.) in height, 200 ft. by 80 ft. in area; Class 1 construction; equipped with standpipe and sprinkler systems; erected in 1931; located in an unrestricted use district; Occupied: cellar, filter; 1st floor, shipping and labelling, 15 persons; 2nd floor, office and manufacturing paints, 33 persons; 3rd floor, laboratory and mfg. paints and varnishes, 11 persons; and that no change of use or occupancy is proposed; and

WHEREAS, the applicant contends that the materials which are the subject of the fire commissioner's order, are essential in connection with the war work being conducted and can only be secured by allocation by the War Production Board; that government contract requires the use of these articles in quantities larger than 5 gallons, the amount specified in the order of the fire commissioner; that the procurement of tanks, pumps, pipes and valves necessary for compliance with the order is impossible; therefore it is requested that the Board permit the use of Solvesso No. 1 and Solvesso No. 2 and that the order of the fire commissioner be held in abeyance for the duration of the war or until the required equipment is procurable.

Resolved, that the decision of the fire commissioner on Order 94288-LC be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that not more than five (5) drums of Solvesso No. 1 and No. 2 shall be maintained on the premises and that such Solvesso shall be stored in the original drums in the rear yard under an en-

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closure constructed of incombustible material, located and constructed substantially as indicated on plans filed at this hearing marked "Received July 20, 1943"; that any Solvesso taken into the plant shall be carried in approved safety cans as needed for immediate operations; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

238-43-A

APPLICANT—Lama and Proskauer, for Estelle Goldman, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—136 Coleridge street, west side, 260 ft. south of Hampton avenue (Block 7516, Lot 1000), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama, Estelle Goldman and M. Goldman.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

THE RESOLUTION (238-43-A)

WHEREAS, Lama and Proskauer, for Estelle Goldman, owner, filed on May 18, 1943, an appeal from a decision of the borough superintendent, affecting 136 Coleridge street, west side, 260 ft. south of Hampton avenue (Block 7516, Lot 1000), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent dated April 30, 1943, on Alt. Applic. 856-43, reads:

"4. Walls on 1st floor must be 12 in. thick (8.4.2.5) Code.

5. Use of attic for storage purposes is questioned in view of layout indicated on the plan.

6. Proposed change of occupancy of present brick, two story and attic building now occupied on 1st floor as a private school by one family on 2nd floor and attic to private school on 1st and 2nd floors and storage in attic is contrary to (4.2.1) of Code which prohibits a public use in a building of Class 3 construction exceeding two stories in height.

7. Stairs from 1st to 2nd floor must comply with the following sections of the Code:

- (a) (6.4.1.4) as to treads and risers
- (b) (6.4.1.8.1) as to fireproof enclosure
- (c) (6.4.1.11) as to continuous enclosure directly to the street.
- (d) (6.4.1.12) as to hand rails."

and

WHEREAS, the applicant states the building is 2 stories (28 ft.) in height, 24 ft. by 51 ft. in area at 1st floor; 24 ft. by 41 ft. in area at 2nd floor; of Class 3 construction; erected in 1914; located in a business use, E area district and used and occupied as follows: cellar, ordinary; 1st floor, private school, 45 persons; 2nd floor and attic dwelling, one family combined and proposed to be used—cellar, ordinary; 1st floor private school for 45 persons; 2nd floor, private school for 30 persons; attic, storage and watchman, 1 person; and

WHEREAS, Certificate of Occupancy 74855, issued December 15, 1939, permitted the use of the 1st story for private school for 30 males and 15 females and the 2nd and attic stories combined for dwelling, one family; and

WHEREAS, the applicant contends that it is the intention of the owner to use the second floor for classrooms and the attic floor for storage and watchman's quarters; that the building is structurally sound and well constructed; that the use of the 2nd floor as a school will be limited to 30 pupils, for which there are two sets of stairs, one leading to the northerly side of building and the other leading to a hall

which leads to a porch; that it is also proposed to construct a new iron stairs and balcony leading directly to the yard of premises; that to comply with the objections of the borough superintendent in full, would entail an expenditure of a large sum of money; that as an extra precaution, it is proposed to fill with rockwool insulation the stair enclosure, so as to make it one-hour test partition; that this school services the immediate community; that there are no fire-proof buildings in this area; that it would be a hardship on the owner, whose sole livelihood depends on the operation of this school, not to be permitted the use of the second floor for school purposes, and inasmuch as many requests are made for enrollment by families located in the immediate area, the owner feels that with the proposed improvements and with proper supervision at all times, this application should be granted; and

WHEREAS, an application to revoke Certificate of Occupancy was denied under Calendar 649-41A; and

WHEREAS, the Board deemed that the proposed use should not be extended, as proposed; and

WHEREAS, the premises and surrounding area were inspected by a Committee of the Board.

Resolved, that the decision of the borough superintendent acting on Alt. Applic. 856-43, be and it hereby is *affirmed* and that the appeal be and it hereby is *denied*.

265-43-A

APPLICANT—J. Herbert Burmeister, for William Christ, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—148-18 89th avenue, south side, 160 ft. east of 148th street (Block 9681, Lot 58), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (265-43-A)

WHEREAS, J. Herbert Burmeister, for William Christ, owner, filed June 1, 1943 an appeal from a decision of the borough superintendent, affecting premises 148-18- 89th avenue, south side, 160 ft. east of 148th street (Block 9681, Lot 58), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated May 19, 1943 on Alt. Applic. 636-43, reads:

"1. The conversation of a frame building occupied by two families into a public building, is contrary to Sect. 4.2.1 of the Building Code.

2. The conversion of a frame dwelling located in the fire limits, into a public building, is contrary to Section 2.1.3.5 and 4.1.2 of the Building Code."

and

WHEREAS, the applicant states that the building is 2½ stories (30 ft.) in height, 22 ft. by 57 ft. in area, of Class 4 construction, erected in 1906, located in a business use district on a plot 31.25 ft. by 145 ft. in area and proposed to be used: cellar, heating and storage; 1st floor, dining room and bedroom, 11 persons; 2nd floor, kitchen and bedrooms, 13 persons; attic, employees rest room and store room; and

WHEREAS, the applicant contends that it is proposed to convert the two-family frame dwelling to a nursing home with changes as shown on plans filed with the borough superintendent; that no extensions or additions to the present building will be made and all changes will be on the interior; it is requested that the Board grant a variance, to permit the proposed change and especially in view of the need for such nursing homes in the near future; and

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WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board ascertained that the owner at the time appeal was filed was the Jamaica Savings Bank and not William Christ; and

WHEREAS, the applicant made a written request for the withdrawal of the appeal.

Resolved, that the appeal be and it hereby is *withdrawn*, as being improperly before the Board.

270-43-A

APPLICANT—Charles S. Ward, for Carter Estate, owner (Pratt-Smith Produce Corporation, lessee).

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—351-353 West 14th street, north side, 66 ft. east of Ninth avenue and 362-364 West 15th street (Block 738, Lot 8), Borough of Manhattan.

APPEARANCES—

For Applicant: William M. Farrar.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (270-43-A)

WHEREAS, Charles S. Ward, for Carter Estate, owner, (Pratt-Smith Produce Corp., lessee), filed June 4, 1943, an appeal from a decision of the borough superintendent, affecting premises 351-353 West 14th street, north side, 66 ft. east of Ninth avenue and 362-364 West 15th street (Block 738, Lot 8), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent dated May 7, 1943 on Alt. Applic. 293-43, reads:

"1. Marquee is not a permissible extension beyond the building line. Sec. 2.4.1.4.8 of Bldg. Code states that marquees may extend over the sidewalk in connection with entrances to structures of an essentially public nature only. Note that marquee is in connection with a store on first floor."

and

WHEREAS, the applicant states that the building is four stories (57 ft.) in height, 50 ft. by 206 ft. 6 in. in area at 1st floor, 50 ft. by 43 ft. in area at typical floor, of Class 3 construction, equipped with an approved sprinkler system, located in an unrestricted use, B area district and used and occupied as follows: cellar, storage; 1st floor, stores and offices, 11 persons; 2nd, 3rd and 4th stories, apartments and that no change in use or occupancy is proposed; and

WHEREAS, the applicant states that it is proposed to erect a marquee in front of the store entrance, constructed entirely of metal, as shown on plans filed with the borough superintendent, as an amendment to the previously approved Alt. Applic. 293-43; and

WHEREAS, the applicant contends that food purveyors have outgrown the limits of the adjacent market area and are now occupying considerable space east of Ninth avenue; that there are several marquees existing in this space; that the tenants of the premises in question have contracts with the U. S. Government, for supplying food to the armed forces; that it is necessary to have the space between their doors and the curb protected from the elements for receiving and shipping of goods.

Resolved, that the decision of the borough superintendent on Alt. Applic. 293-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the proposed marquee shall not exceed the dimensions stated, namely, 37 ft. 6 in., parallel to the building line and extending out from the building line not more than 20 ft.; that in all other respects, the structure shall comply with all laws, rules and regulations applicable there-

to; that this variance shall continue only so long as the first floor occupancy is for dealing in food products at wholesale.

284-43-S

APPLICANT—Harold P. Zoller, for Frank C. Decker, Jr., owner.

SUBJECT—Variation of the labor law as cited in a decision of the acting borough superintendent.

PREMISES AFFECTED—699-701 East 135th street, north side, 200 ft. east of Southern boulevard (4th and 5th floors); (Block 2564, Lot 67), Borough of The Bronx.

APPEARANCES—

For Applicant: Harold P. Zoller and Frank C. Decker.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (284-43-S)

WHEREAS, Harold P. Zoller, for Frank C. Decker, Jr., owner, filed June 8, 1943, an application for variation of the requirements of the labor law as cited in a decision of the acting borough superintendent; premises 699-701 East 135th street, north side, 200 ft. east of Southern boulevard (4th and 5th floors); (Block 2564, Lot 67), Borough of The Bronx; and

WHEREAS, the decision of the borough superintendent, dated June 8, 1943, re Alt. Applic. 176-43, reads:

"4. The occupancy of the upper two floors was limited to storage purposes by the Board of Standards and Appeals under Cal. No. 632-18-S with the exit conditions as shown. The above application now proposes to change the occupancy of the 4th and 5th floors to factory use. Such proposed factory occupancy is prohibited unless the fire-escape on the court complies in every way with Sec. 274 of the Labor Law."

and

WHEREAS, the applicant states that the building is 5 stories (60 ft.) in height, Class 3 construction, 50 ft. by 90 ft. in area; erected in 1889; located in an unrestricted use district; occupied since 1936: cellar, boilerroom; 1st floor, tenant furniture factory, 15 persons; 2nd floor, radio factory, 30 persons; 3rd floor, pocket book mfg., 30 persons; 4th and 5th floors, storage, no persons and proposed to be occupied: cellar, same; 1st floor, furniture factory, 30 persons; 2nd floor, radio mfg., 30 persons; 3rd floor, mfg. pocketbooks, 30 persons; 4th and 5th floors, factory, 30 persons per floor; that the building is equipped with an approved two-source sprinkler system and an interior fire alarm system; that no fire drills are maintained; that there is one 44 in. steel stairs with cement treads enclosed in 8 in. brick walls, equipped with kalamein self-closing doors and extending from street to 4th floor and two fire escapes; that the easterly fire escape is 75 degrees, extending from top story to side yard with egress through adjoining property under the same ownership and leading directly to the street; that openings on the course are fireproof self-closing; that the westerly fire escape is 75 degrees, extending from top story to 1st story with no egress from lowest balcony; that windows on the course are wood frames, plain glass, equipped with iron shutters; that all windows on the west wall are equipped with iron shutters and that there is no safe egress from the roof; and

WHEREAS, the applicant states it is proposed to extend the fireproof stairway up to the 5th story and to remove the existing interior wood stairs from 4th to 5th floors and to floor over the stairwell; and

WHEREAS, the applicant contends that the roof is almost completely restricted by the construction of steel framing for an outdoor sign covering most of the roof; that the building

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is isolated, except on the westerly side, where adjoining buildings are two stories lower; that it is requested that the Board grant a variation of the requirements of the Labor Law, so as to permit the maintenance of the existing 75 degree fire escape on the easterly side of the building, as a second required means of egress; and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the Labor Law as cited in a decision of the borough superintendent on Alt. Applic. 176-43, Objection 4, and that the application be and it hereby is granted on condition that the primary means of exit shall be extended to the top story in accordance with the requirements therefor and that from the top story to the roof there shall be a ladder type of stair leading to a scuttle with an easy type of scuttle opener; that the fire escape on the easterly side of the building shall be continued to the roof and shall be maintained otherwise as provided under Cal. No. 632-18-S; that the open stair between the 5th and 4th floors may be continued, provided the same is enclosed in partitions approved for one hour construction with self-closing fireproof door top and bottom; that the existing means of access from the 5th story to roof may be continued; that the fire escape on the westerly side may be continued as a sub-standard fire escape, provided it is properly marked: "This is not an Exit" and provided there is a means of reaching the ground from the lowest level from which access to the street can be obtained; otherwise, the westerly fire escape shall be removed; that the sprinkler system shall be maintained to the satisfaction of the fire commissioner; that all windows on the course of the fire escape on the easterly side shall be made fireproof and self-closing; that the occupancy of each floor shall be restricted to the capacity of the primary means of exit; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as modified by the Board under Cal. 632-18-S.

294-43-A

APPLICANT—Raymond Irrera, for G.P.W. Realty Company, Inc., owner, (Krieger Steel Sections, Inc., lessee).

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—33-55 to 33-81 12th street, 12-01 to 12-19 34th avenue, northeast corner and 33-52 to 33-80 13th street (Block 522, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Raymond Irrera.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative: Commissioner Savage 1.

Negative: Chairman Murdock, Commissioner Blum and Deputy Chief Gunn..... 3

THE RESOLUTION (294-43-A)

WHEREAS, Raymond Irrera, for G.P.W. Realty Co. Inc., owner, (Krieger Steel Sections, Inc., lessee), filed on June 15, 1943, an appeal from a decision of the borough superintendent, affecting 33-55 to 33-81 12th street, 12-01 to 12-19 34th avenue, northwest corner, and 33-52 to 33-80 13th street (Block 522, Lot 1), Long Island City, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated June 9, 1943, on N.B. Applic. 1567-42, reads:

"4. Because of the following proposed frame construction, is contrary to the Building Code:

- Use is non-residential (Sec. 4.1.3 and 4.2.1)
- Structure is located in an unrestricted use zone (Sec. 4.1.1. and 4.1.2)
- Structure is in a B area zone (Sec. 4.1.1)

5. Character of soil, fill, is without any bearing capacity, therefore, provide piles, or some other satisfactory foundation (Sec. 7.5.2b, B.C.)

and

WHEREAS, the applicant states the building is 1 story (18 ft. 6 in.) in height; approximately 38,000 sq. ft. in area; of Class 4 construction; located in an unrestricted use district and used as auto truck body building shop, 125 persons; and

WHEREAS, Violation 3263-42, was issued on July 9, 1942, for occupying the structure as an automobile body shop without a certificate of occupancy; and

WHEREAS, the applicant states that the lessee is engaged in 100% war work for the armed forces; that the pressure of orders necessitated expansion in order to meet production requirements of both the Army and Navy, and the temporary structure in question was erected without filing plans or obtaining permit; that the building is erected on a plot 200 ft. by approximately 650 ft. in area, facing on three streets; that the building runs through from street to street and is substantially constructed with heavy timbers, used as supporting members throughout; that the supports are all set on stone concrete piers 4 ft. below grade; that there is no cellar and the floor is 6 in. stone concrete on earth and that it is requested, the Board permit the maintenance and use of this structure for the duration of the war, in order that production be efficiently maintained for the war effort; and

WHEREAS, the premises and surrounding area were inspected by a Committee of the Board.

Resolved, that the decision of the borough superintendent acting on N. B. Applic. 1567-42, be and it hereby is affirmed and that the appeal be and it hereby is denied.

298-43-S

APPLICANT—Henry G. Steinmetz, for Louis Gringer, owner.

SUBJECT—Variation of the labor law as cited in a decision of the acting borough superintendent.

PREMISES AFFECTED—2084 Boston road, and 2061 Bronx street, west side, 142.23 ft. north of East 179th street (Block 3140, Lot 7), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry G. Steinmetz and Louis Gringer.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (298-43-S)

WHEREAS, Henry G. Seinmetz, for Louis Gringer, owner, filed June 16, 1943, an application for variation of the requirements of the Labor Law as cited in a decision of the borough superintendent, affecting 2061 Bronx street, west side 142.23 ft. north of East 179th street and 2084 Boston road (Block 3140, Lot 7), Borough of The Bronx; and

WHEREAS, the decision of the borough superintendent dated May 28, 1943 on amendment to Alt. Applic. 143-43, reads:

"2. Provide two lawful means of egress from each floor, including cellar. Enclosure to stairs shall be 6 in. terra cotta or equivalent. Doors should swing out and should be fireproof self-closing. Reconsideration denied.

3. Building erected under N. B. 2050-22 and should conform to all requirements of Section 264 Labor Law. Reconsideration denied.

4. Partitions should be of incombustible materials. Section 270 of the Labor Law. Further consideration will be given when plans are corrected."

and

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WHEREAS, the applicant states the building is 3 stories (41 ft. 8 in.) in height, 50 ft. by 100 ft. in area; of Class 1 construction; erected 1924, located in an unrestricted and business use district and used and occupied: cellar, boiler room, 1 person; 1st floor, auto truck storage, 5 persons; 2nd floor, storage of merchandise, 5 persons; 3rd floor, manufacturing war materials (tools, etc.), 15 persons; that the building is equipped with one 3 ft. 8 in. stairs, enclosed by 4 in. terra cotta blocks and extending from roof to street and one exterior fireproof ramp leading from rear of building at third floor level to sidewalk at Boston road; and

WHEREAS, Violation 1737 was issued May 25, 1943, for occupying the premises as a factory without a certificate of occupancy; and

WHEREAS, Certificate of Occupancy 1851, issued October 4, 1924 on N. B. Applic. 2050-22, permits the use of the building as a public garage, gasoline and oil selling station, 120 lbs. live load on all floors; and

WHEREAS, Certificate of Occupancy 1014, issued January 22, 1930, permits the use of the building as an automobile repair and welding shop on the first floor; and

WHEREAS, the applicant contends that this is an application to accept as a legal means of egress, present fireproof stairs leading from Bronx street to bulkhead at roof level, enclosed with fireproof walls with openings, equipped with fireproof self-closing doors and a fireproof exterior ramp leading from third floor to Boston road sidewalk level, in addition to 10 ft. by 10 ft. door at rear of second floor, leading to yard and 10 ft. by 12 ft. door opening on the Bronx street sidewalk level; first floor as constructed under N. B. Applic. 2050-22; that it is also requested that the Board permit partitions constructed of wood studs 24 in. on centers covered with sheet rock and $\frac{7}{8}$ in. tongue and groove N. C. pine, enclosing offices as shown on plan filed with the borough superintendent.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the Labor Law as cited in a decision of the borough superintendent on Alt. Applic. 143-43, and that the application be and it hereby is granted as to Objection 2, on condition that the primary means of exit may be enclosed with 4 in. terra cotta blocks, as proposed, with fireproof self-closing doors; that the second means of exit may be by means of an exterior stair, constructed on top of the existing ramp to Boston road and constructed of incombustible materials; that a suitable railing along such stairs shall be provided; as to Objection 4, that interior partitions on the third floor only, may be permitted, provided same are constructed with sheet rock on both sides with wood stud supports, and provided further that the rooms so enclosed do not exceed the space indicated on plans filed with the borough superintendent dated May 14, 1943, consisting of two offices toward Bronx street and partitions for dressing rooms and toilets toward the rear; as to Objection 3, that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that a new certificate of occupancy, properly classifying the building shall be obtained; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

302-43-A

APPLICANT—John M. Baker, for Universal Glass Products Co., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—48-20 30th street, northeast corner of Hunterspoint avenue (Block 115, Lot 201), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: John M. Baker.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4

THE RESOLUTION (302-43-A)

WHEREAS, John M. Baker, for Universal Glass Products Company, owner, filed on June 17, 1943, an appeal from a decision of the borough superintendent, affecting premises 48-20 30th street, northeast corner Hunterspoint avenue (Block 115, Lot 201), Long Island City, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated June 14, 1943, on Misc. Applic. 1542-43, reads:

"1. The erection of a frame building within the fire limits is contrary to Section 4.1.2 of the Building Code.

2. Foundation wall not provided, Section 8.3.1.6 Building Code.

3. Structure not shown 4 ft. from lot lines, Section 8.7.2.7.3.

4. Proposed roofing over of intervening space between two buildings is contrary to original approval under N. B. 3459-38.

5. Area of proposed building exceed that permitted for open sheds under Section 8.7.2.6.1 Building Code.

6. Walls within 3 ft. of lot line not shown brick filled, Section 4.1.3., Subd. 2b, Building Code."

and

WHEREAS, the applicant states that the building is one story (14 ft.) in height, 48 ft. by 113 ft. in area; of Class 4 construction; erected in 1938, located in an unrestricted use district and used and occupied for storage, 4 persons; and

WHEREAS, the applicant contends that two frame sheds were erected under approved plan 3459-38, to be open on all sides, to be occupied for a period of one year and to be separated by a space of 15 ft.; that when this plan was approved in 1938, objections 1, 2 and 3 as now stated on Misc. Applic. 1542-43, were waived by the Department and automatically waived objection No. 6; that the sheds are used for the storage of glass bottles in heavy paper cartons; that considerable damage was sustained to the stock through exposure to the weather, so that the sheds were enclosed and space between sheds was roofed over without applying for permit therefore and without applying for the extension of the temporary use of the sheds as permitted under plan No. 3459-1938; that it is proposed to improve the area now covered by the sheds, with a brick extension, but since the plant is not engaged in the war effort, it is impossible to obtain permission from the War Production Board for such work; that every available space in the sheds is occupied for storage of glass bottles in cardboard containers and it will be a great hardship if forced to vacate same, so it is therefore requested that the Board permit the existing condition to remain for the duration of the war.

Resolved, that the decision of the borough superintendent on Misc. Applic. 1542-43, be and it hereby is affirmed and that the appeal be and it hereby is denied.

319-43-S

APPLICANT—Horn Signal Manufacturing Corporation, lessee, for Rector, Church Wardens and Vestrymen of Trinity Church, City of New York, owner.

SUBJECT—Variation of the labor law, as cited in a decision of the fire commissioner.

PREMISES AFFECTED—515-521 Greenwich street and 309-317 Spring street, northeast corner (2nd and 5th floors); (Block 597, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Application dismissed for lack of prosecution.

MINUTES

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.... 4
Negative 0

THE RESOLUTION (319-43-S)

WHEREAS, Horni Signal Manufacturing Corporation, lessee, for Rector, Church Wardens and Vestrymen of Trinity Church, City of New York, owner, filed June 28, 1943, an application for variation of the requirements of the Labor Law as cited in a decision of the fire commissioner, affecting premises 515-521 Greenwich street and 309-317 Spring street, northeast corner (2nd and 5th floors); (Block 597, Lot 1), Borough of Manhattan; and

WHEREAS, the decision of the fire commissioner dated June 7, 1943, reads:

"In reply to your request to install panic bolts on the doors to the exit stairway on the 2nd and 5th stories of 515 Greenwich street, Manhattan, you are advised that Section 272, subdivision 3 of the State Labor Law requires that no door leading into or out of any factory shall be locked, bolted or fastened during working hours, therefore your request must be denied.

An appeal from this decision may be filed with the Board of Standards and Appeals within 30 days."

and

WHEREAS, when this case was called for hearing, no appearance was made on behalf of the applicant.

Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

325-43-S

APPLICANT—515 Madison Avenue Corporation, owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the fire commissioner.

PREMISES AFFECTED—513-517 Madison avenue and 35-41 East 53rd street, northeast corner (Block 1289, Lot 21), Borough of Manhattan.

APPEARANCES—

For Applicant: David Barnett and W. McInnes.
For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (325-43-S)

WHEREAS, 515 Madison Avenue Corporation, owner, filed June 26, 1943 an application for variation of the requirements of the Labor Law as cited in an order and a decision of the fire commissioner, affecting premises 513-517 Madison avenue and 35-41 East 53rd street, northeast corner (Block 1289, Lot 21), Borough of Manhattan; and

WHEREAS, order 17086-LF issued by the fire commissioner February 3, 1943 reads:

"An inspection of the premises 515 Madison avenue, 31 East 53rd street, Borough of Manhattan shows that a fire drill should be established and maintained therein according to the requirements of Section 279 of the Labor Law. The Labor Law specifically charges the fire commissioner with the duty of enforcing the provisions of the law, as to fire drills."

and

WHEREAS, the decision of the fire commissioner dated May 27, 1943 reads:

"In reply to your request to rescind Order 17086-LF, requiring a Fire Drill to be established in the above premises in accordance with Section 279 of the State Labor Law and the Fire Drill Rules of the Board of Standards and Appeals, you are advised as follows:

Inspection shows the premises to be a tenant factory over two stories in height, with more than 10 per cent

or 25 persons employed at factory work above the first story, and every square foot of the building is not protected by an approved wet automatic sprinkler system, therefore your request must be denied."

and

WHEREAS, the applicant states that the building is 42 stories (537 ft.) in height, 60 ft. front on Madison avenue and 165 ft. front on East 53rd street, of Class 1 construction, erected in 1930, located in a restricted retail and retail use district and used and occupied: cellar and 1st floor, storage of mechanical equipment and display room, 15 persons each; 2nd to 17th floors, offices, showrooms, factory, 105 persons each; 18th and 19th floors, offices, showrooms, factory, 70 persons each; 20th to 24th floors, offices, 70 persons each; 25th to 42nd floors, offices, 40 persons each; that the building is equipped with a one-source sprinkler system up to the 19th floor and a standpipe system, interior fire alarm system and fire drills are not maintained; that the building is equipped with an enclosed service stair from basement to 23rd floors and a 3 ft. 9 in. fireproof stairs extending from roof bulkhead directly to the street; that Certificate of Occupancy 17829 issued September 15, 1931, permits the present occupancy and limits the use of the building for factory to 25% of the floor space within 100 ft. of Madison avenue and 5% of the floor space east of a point 100 ft. from Madison avenue, except where the floor area used for manufacturing incidental to the conduct of a retail business does not exceed 25%; and

WHEREAS, the applicant contends that the building was erected in 1931, for occupancy by mercantile tenants for the first 19 floors and the remaining 23 floors for office use; that the first 19 floors are completely sprinklered; that the only work permitted is light work incidental to retail business and the total number of people so engaged is approximately 180; that the building is equipped with a standpipe system, two standpipe pumps, a fire alarm box on each floor with local and general alarm system, ADT supervisory alarm, monthly sprinkler inspection service, air raid auxiliary equipment and persons in charge of the standpipe system and fire brigade hold certificates of fitness; that the portion of the building where factory work is done, is so well protected and is so minor in relation to the entire building, that those engaged in non-factory occupancies would be subject to interruption, inconvenience and expense of a monthly drill and it is therefore felt that compliance with the order of the fire commissioner would impose an unfair and unwarranted hardship upon the tenants of the building; that in the event fire drills were conducted, it would be necessary for the tenants to walk from the 42nd floor to the ground floor and result in large congregations at the entrances of the building and that it would obstruct traffic and cause severe criticism directed at the public authorities responsible therefor.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in an order of the fire commissioner, Order 17086-LF, and that the application be and it hereby is *granted on condition* that the manufacturing in the building shall be restricted to the floors as approved for such use, namely 2nd to 19th floors; that the fire alarm system, standpipe system and sprinkler system shall be maintained to the satisfaction of the fire commissioner; that the total occupancy of such floors shall not exceed the number permitted on the certificate of occupancy based on the lawfully permitted occupancy for each stair plus 50% allowance for the one-source sprinkler system; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board under Cal. 602-30-S and 17-31-S; that the building fire brigade fire drills shall be conducted in connection with the interior fire alarm system, so that the building may be evacuated if necessary.

342-43-S

APPLICANT—William G. Hemstreet, for Irving S. Whiting, owner.

SUBJECT—Variation of the labor law as cited in decisions of the borough superintendent.

MINUTES

PREMISES AFFECTED—135-137 Cedar street, north side, 82 ft. 9¾ in. west of Greenwich street, (Block 54, Lot 13), Borough of Manhattan.

APPEARANCES—

For Applicant: William G. Hemstreet and Irving S. Whiting.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4

THE RESOLUTION (342-43-S)

WHEREAS, William F. Hemstreet, for Irving S. Whiting, owner, filed July 6, 1943, an application for variation of the requirements of the Labor Law as cited in decisions of the borough superintendent, affecting premises 135-137 Cedar street, north side, 82 ft. 9¾ in. west of Greenwich street (Block 54, Lot 13), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated June 24, 1943, on Alt. Applic. 554-43 reads:

"1. Building changed from 3 sty. to 5 sty. N.F.P. office building under Alt. 2763 of 1922 and therefore should comply with sec. 270 of Labor Law.

A. Building more than four stories high should be of fireproof construction.

B. Means of egress should comply with sec. 270 of Labor Law.

(1) A second enclosed fireproof stairway required from street to roof.

(2) Present stairs should be enclosed from street to roof in 2 hr. partitions with 1½ hr. doors, 44 in. wide and skylight and ventilation provided.

(3) Stairs should be of incombustible material and should have a minimum width of 44 in."

C. Elev. hoistway and motor room should be enclosed in 3 hr. partitions from cellar to 3 ft. above roof and should be provided with 1½ hr. F.P.S.C. doors.

2. Floor construction should be shown, including headers and trimmers, capable of supporting a live load of 120# for manufacturing areas and for the live loads specified for other areas. Note that the minimum live load permitted for manufacturing is 120#."

and

WHEREAS, the applicant states that the building is 5 stories (55 ft.) in height, 36 ft. 2½ in. by 53 ft. 4 in. in area at 1st floor; 36 ft. 2½ in. by 47 ft. in area at typical floor, of Class 3 construction, located in an unrestricted use and A area district, erected in 1907, altered in 1922 and used and occupied for offices throughout and proposed to be used and occupied as follows: cellar, storage and boiler room, no persons; 1st floor, offices and shipping, 5 persons; 2nd floor, factory, 15 persons; 3rd floor, factory, 15 persons; 4th floor, offices, 15 persons; 5th floor, offices, 15 persons; that the manufacturing will consist of manufacturing and assembling of electrical devices; that the building is equipped with one 44 in. wood stairs enclosed in 3 in. gypsum block partitions, plastered both sides, equipped with metal covered self-closing doors and that the windows on the rear are equipped with iron shutters; and

WHEREAS, the applicant contends as to Objection 1A, that due to the small area of the building and the limited amount of floor space which will be used for manufacturing on the 2nd and 3rd floors, the building should not be required to be made fireproof or provided with a second stairway; and

WHEREAS, the applicant contends as to Objection 1B, 1, 2 and 3, that the existing stairs are 44 in. wide of wood construction, enclosed with 3 in. gypsum block, plastered both sides, supported on steel frame extending from cellar to 12 ft. above the main roof; that the doors are metal 3 ft. wide, 1¾ in. thick, self-closing and swinging in the direction

of egress; that the stair enclosure is ventilated by 4 ft. by 9 ft. in area, glazed with plain glass and protected with wire screens above and below; that egress from the roof can be had by means of a 7 ft. iron ladder to the roof of the building adjoining on the east and by windows at the level of the roof of the building in question, leading to the building adjoining to the west; and

WHEREAS, the applicant contends as to Objection 1C, that the elevator shaft is enclosed in 6 in. terra cotta blocks, plastered on both sides, supported on a steel frame, equipped with 1¾ in. metal covered doors, extending to 12 ft. above the roof, equipped with metal skylight glazed with plain glass, protected with wire screens above and below; that this construction was approved under Alt. Applic. 2763-22; and as to Objection 2, it is requested that the Board approve the reduction of the live loads on the 1st, 2nd and 3rd floors to 100 lbs., in order not to materially increase the load on the footings; and

WHEREAS, the premises were inspected by a committee of the Board.

Resolved, that the decision of the borough superintendent, on Alt. Applic. 554-43, be and it hereby is affirmed and that the appeal be and it hereby is denied.

362-43-S

APPLICANT—Vitarama Corporation, lessee, for Long Island Railroad, Real Estate Department, owner.

SUBJECT—Variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—2-62 51st avenue, southwest corner of Fifth street (Block 15, Lot 24), Long Island City.

APPEARANCES—

For Applicant: Victor Hugs.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (362-43-S)

WHEREAS, Vitarama Corporation, lessee, for Long Island Railroad, owner, filed July 14, 1943 an application for variation of the requirements of the Labor Law as cited in a decision of the fire commissioner, affecting premises 2-62 51st avenue, southwest corner of Fifth street (Block 15, Lot 24), Long Island City, Borough of Queens; and

WHEREAS, the decision of the fire commissioner dated June 24, 1943, reads:

"This will acknowledge receipt of your letter of June 10th together with a copy of communication sent you by the Plant Security Officer of the Second Service Command. You are advised to reply that the Fire Commissioner is without authority to grant your request for permission to install any type of hardware that would prevent ingress or egress from your factory.

The provisions of the Labor Law are mandatory and provide that no door in any factory be locked, bolted or fastened during working hours. However, you may accept this as a decision of the Fire Commissioner from which an appeal may be filed with the Board of Standards and Appeals within thirty (30) days from date."

and

WHEREAS, the applicant states that the building is 1 story (33 ft.) in height, 236 ft. by 90 ft. in area, erected in 1903, located in an unrestricted use district and used since 1941 for factory and office—50 persons; and

WHEREAS, the applicant contends that it is engaged in 100 per cent war work under the jurisdiction of the Second Service Command of the U. S. Army, which has recommended the installation of panic bolts on one of the doors in the building in question; and

WHEREAS, the applicant has filed a copy of the recommendation of the Plant Security Office of the U. S. Army,

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recommending the installation of panic bolts and electric bell signal on door opening directly to street located in the shipping section of the plant.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the Labor Law as cited in a decision of the fire commissioner dated June 24, 1943 and that the application be and it hereby is *granted on condition* that a panic bolt shall be installed only on the door marked "Exit" toward the westerly section of the building, indicated on plans filed with this appeal marked "Received July 14, 1943," which door leads to 51st avenue; that the panic bolt shall be of an approved type; that this variance shall continue only during the term of the present emergency and in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

51-41-A

APPLICANT—Saul Goldsmith, for Thames Trading Company, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment to resolution—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED: 248-274 McKibben street, south side, 298 ft. 8 in. west of White street (Block 3091, Lot 27), Borough of Brooklyn.

APPEARANCES—

For Applicant: Saul Goldsmith.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (51-41-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 248-274 McKibben street, south side, 298 ft. 8 in. west of White street (Block 3091, Lot 27), Borough of Brooklyn, was granted by the Board on January 28, 1941, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted January 28, 1941, by adding thereto the following clause:

"that nothing in this resolution shall be deemed to prevent the occupancy of the cellar for manufacturing purposes in place of storage, as stated in the appeal, provided all legal requirements applicable to such occupancy are complied with."

60-41-S

APPLICANT—John M. Baker, for Atlantic Macaroni Co., Inc., owner.

SUBJECT—Application for consideration, reopening and extension of permit—Variation of the labor law as cited in an order and decision of the borough superintendent and an order of the fire commissioner.

PREMISES AFFECTED—43-82 Vernon boulevard, west side, 762 ft. south of 43rd avenue (Block 488, Lot 114), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: John M. Baker.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (60-41-S)

WHEREAS, this application from an order and a decision of the borough superintendent and an order of the fire commissioner, affecting premises 43-82 Vernon boulevard, west side, 762 ft. south of 43rd avenue (Block 488, Lot 114), Long Island City, Borough of Queens, was granted by the Board on May 6, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted May 6, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"... within one year from the date of this *amended* resolution."

736-41-A

APPLICANT—Edmund T. Mallory, for Robert Froehlich, owner (E. C. Noble, Incorporated, lessee); (request for reopening made by E. C. Noble).

SUBJECT—Application for consideration, reopening and extension of permit—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—74-33 Queens boulevard, north side, 24.41 ft. west of 76th street (Block 1529, Lot 6), Elmhurst, Borough of Queens.

APPEARANCES—

For Applicant: E. C. Noble.

For Administration: Fred Dahlem, Dep't. of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (736-41-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 74-33 Queens boulevard, north side, 24.41 ft. west of 76th street (Block 1529, Lot 6), Elmhurst, Borough of Queens, was granted by the Board on October 28, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted October 28, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"... that such building shall be entirely removed within one (1) year from the date of this *amended* resolution."

190-43-A

APPLICANT—Richard Shutkind, for Frank H. Sincerbeaux and Albert W. Pross, trustees, owners.

SUBJECT—Application for consideration, reopening and restoration to calendar—Appeal from a decision of the acting borough superintendent (previously withdrawn).

PREMISES AFFECTED—785 Westchester avenue, west side, 272.46 ft. north of Tinton avenue (Block 2655, Lot 22), Borough of The Bronx.

APPEARANCES—

For Applicant: Richard Shutkind.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened, restored to calendar and granted on condition.

THE VOTE TO REOPEN AND RESTORE TO CALENDAR—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE VOTE TO GRANT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

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THE RESOLUTION (190-43-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 785 Westchester avenue, west side, 272.46 ft. north of Tinton avenue (Block 2655, Lot 22), Borough of The Bronx, was withdrawn on June 8, 1943; and

WHEREAS, the applicant requested a reopening and restoration to the calendar; and

WHEREAS, the decision of the borough superintendent on Alt. Applic. 74-43, dated July 6, 1943, reads:

"5. Floor beams of third floor are weak for required 120 pounds live load, as per Section 7.3.2.3 of the Bldg. Code."

and

WHEREAS, the applicant states that the building is three stories (38 ft.) in height, 33.78 ft. by 88.37 ft. and 111 feet in area; Class 3 construction; located in a business use district; erected in 1910 and used since 1937 as follows: Cellar, storage; 1st floor, store, 3 persons; 2nd floor, meeting rooms, 28 persons; 3rd floor, manufacturing, 30 persons, and that no change in use or occupancy is proposed; and

WHEREAS, Violation 4642-42, was issued for changing the occupancy to a use inconsistent with the last approved application of occupancy, in that the third story is occupied for factory purposes with more than thirty persons, employed instead of offices as approved; and

WHEREAS, the applicant contends that the building was erected in 1910 and occupied originally as follows: cellar—storage; first floor—store; 2nd floor—offices; 3rd floor—offices; that Slip Application 85-20, shows the occupancy as follows: cellar—storage; first floor—billiard room (store); 2nd floor—restaurant; 3rd floor—photograph gallery; that it is proposed to occupy the building as follows: cellar—storage; 1st floor—stores; 2nd floor—meeting rooms; 3rd floor—factory, 30 persons, and it is requested that the Board modify the provisions of the Code, to permit the existing 90 lbs. per sq. ft. live load, in lieu of 120 lbs. for the 3rd story; that to reinforce the 3rd story for 120 lbs., would be prohibitive in cost and would disturb the tenants and result in no actual benefit to the contemplated occupancy; that the third story use consists of hemming of sheets and scarfs by sewing machines with an occupancy of 30 persons; that the Code expressly recognizes 75 lbs. live load for manufacturing of a light nature; that this limitation to 25 per cent of the floor area is obviously a restriction on the use rather than the loading; that it is proposed to fire retard the present interior stair enclosure on both sides and to provide fireproof self-closing doors to halls, except at the front entrance first story; that the present front fire escapes with 45 degree stairs and counter balanced stairs to sidewalk will have all windows and doors on the course replaced with fireproof doors and windows and glazed with wire glass, except the front show windows on the first story; that an approved fire alarm system will be installed and fire drills maintained and a new Certificate of Occupancy will be applied for upon completion of the work; and

WHEREAS, the premises were inspected by a committee of the Board.

Resolved, that the decision of the borough superintendent dated July 6, 1943, on Alt. Applic. 74-43, Objection 5, be and it hereby is modified and that the appeal be and it hereby is granted on condition that the third floor shall be good for a weight of not less than 90 pounds per superficial foot; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that the exterior fire escape and stairway shall be repaired and reconstructed to comply with the legal requirements therefor and the building shall be maintained and occupied as proposed; that the exit facilities for the occupancy shall comply with the requirements therefor; that an interior fire alarm system complying with the requirements therefor, shall be installed and fire drills maintained; that a new certificate of occupancy shall be obtained.

MATERIAL SUBMITTED FOR APPROVAL

179-43-SM

APPLICANT—Central Station Signals, Inc., for The Protectowire Co., owner.

SUBJECT—Protectowire (Heat Sensitive Cable) approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Material approved in accordance with report of Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (179-43-SM)

WHEREAS, the Central Station Signals, Inc., for the Protectowire Co., owner, filed on April 17, 1943, an application with the Board of Standards and Appeals for approval of the material known as Protectowire (Heat Sensitive Cable); and

WHEREAS, this material was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS.

July 9, 1943.

Re: Cal. 179-43-SM

Subject: Protectowire (Heat Sensitive Cable)

Approval of.

The Protectowire Company, owner, filed April 17, 1943, an application with the Board of Standards and Appeals for approval of the Protectowire (Heat Sensitive Cable) for use in fire alarm systems under the provisions of C26-178.0b Administrative Building Code and the Rules of the Board of Standards and Appeals.

Description—

"Protectowire" which is a fire detecting element consisting of two round spring steel wires, each measuring .035 in. in diameter, which are separately coated, with several layers of transparent lacquer, compounded to soften at the predetermined temperature and applied to a uniform thickness of approximately .008 in. After being coated and dried the two wires are twisted together under tension with approximately one turn to each 1.6 in. and is kept in position by a single wrapping of cellophane and a substantial cotton braid, which is treated with a slow-burning red lacquer, forming a moisture-resisting, tough, protecting outside coating.

"Protectowire" is secured to the ceiling in the area to be protected, by an automatic wire-stapling machine or insulated staples or single screw clips can be used. It should be well supported to prevent sagging, and should be laid close to the surface over which it is installed.

This wire may be spliced by using small copper sleeves furnished by the manufacturer. They are 2 in. long and of an inside diameter suitable to accommodate the wire. The wire is bared and cleaned for an inch and inserted into the end of the tube, after which slight offsets are bent in the tube and wire, confining the wire in a secure manner. Insulating tape on the order of adhesive rubber tape is forced between the two splice tubes and lapped over each one, thereby insulating one from the other. Then similar material is used to tape these joints completely over the splice. Adhesive cellophane tape is then wrapped tightly around the splice. This may be of a color to conform to the braid on the wire, making an inconspicuous splice.

Tests—

This material was tested at the Factory Mutuals Laboratories under full scale fire tests June 9, 1942, Report #10895, dated June 10, 1942, with results as follows:

Full scale fire tests were made at the Factory Mutual

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Fire Testing Laboratory in Everett, Mass. on June 9, 1942.

The building used is concrete on steel and is 20 ft. wide, 30 ft. long and 12 ft. high with smooth concrete ceiling.

The "Protectowire" was attached to 4" x 1" wood running boards supported on the ceiling and the wires secured by stapling. Comparative equipment of other manufacturers was also installed in order to check operations against known and approved apparatus.

Setup No. 1 employed new standard 155°F. "Protectowire" with red braid with lines spaced 5 ft. from the wall and 10 ft. apart.

Setup No. 2 employed 155°F. "Protectowire" with a brown braid which had been in service elsewhere for two years or more and removed and again set up for this test in order to determine whether age was likely to affect the operation. This was spaced 7½ ft. from the wall and 15 ft. between lines.

Setup No. 3 was standard new 155°F. "Protectowire" with red braid spaced 7½ ft. from the wall and 15 ft. apart.

Setup No. 4 was standard 155°F. "Protectowire," the same as No. 1, except that the outside braid was white. The spacings were 7½ ft. and 15 ft.

Setup No. 5 was fire detecting wire and was installed in parallel with the "Protectowire" with spacing 7½ ft. and 15 ft.

Setup No. 6 was a combined rate-of-rise and fixed temperature device wired to a bell and spaced 5 ft. and 20 ft.

In addition to the fire detective device, six 165° automatic sprinkler heads arranged 5 ft. from wall and 10 ft. apart, and operating with a telltale signal on each head, but without water, were installed. The comparative systems were spaced to conform to the standards under which they are used.

Test Fire—For the purpose of accurate timing a slow fire, that is, one which was just enough eventually to operate the system was considered best suited for these tests. Therefore, a pan 1½ ft. x 1½ ft. was chosen and located on the floor in the center of the room, 11½ ft. below the system under test. The fuel used was denatured alcohol, sufficient to burn for at least 15 minutes.

For the benefit of uniformity, all setups were operated from the same type of fire, each being timed by a separate observer, and for the sake of accuracy and timing two individuals called the time of each operation.

Each system under test, terminated in an annunciator board, the signal light indicating which system was involved and when the system operated. Each system was connected open circuit with a battery as the source of power, the circuit being closed by the operation of the fire detecting device.

Temperatures were measured with two thermocouples connected to pyrometers and located 7½ ft. from each end wall.

Time was taken from the time when the alcohol was ignited, and the total elapsed time of all tests was 15 minutes.

System No.	Spacings	Time to Operate
1. Protectowire (Red, Standard)	10' & 20'	5 min. 54 sec.
2. Protectowire (Brown 2 yrs. old)	7.5' & 15'	4 min. 47 sec.
3. Protectowire (Red Standard)	7.5' & 15'	5 min. 6 sec.
4. Protectowire (White Standard)	10' & 20'—	7 min. 34 sec.
5. Fire Detector Wire (Approved)	7.5' & 15'	7 min. 55 sec.
6. Divide did not operate		
7. Two rate-of-rise Detectors	15' & 20'	1 min. 35 sec.

Sprinklers—All Standard Approved 155° (See Sketch for location).

- A. Did not operate
- B. " " "
- C. Operated in.....11 min. 19 sec.
- D. " " 8 min. 48 sec.
- E. " " 13 min. 28 sec.
- F. Did not operate

Maximum Temperature.....165°F.
Which was sustained for.....4 min. 30 sec.

Summary of Test Results—

It will be noted that the rate-of-rise device was the first to operate and required 1 min. 33 sec., while the next to operate was Protectowire with the brown braid which had been in service elsewhere for two years, and this operated in 4 min. and 47 seconds, as against the standard new red fire detecting wire on the same spacings which operated in 5 min. 6 sec. The submitter advises that it would be expected that the older wire would operate first due to a slight change in construction in which there were more twists per foot in the conductors than in the present material.

The Protectowire having the white braid which was spaced on 10 and 20 foot locations operated in 7 min. 34 sec. It is possible that the white color reflected sufficient heat to slow up the action somewhat.

In comparison with an approved fire detecting wire which operated in 7 min. 55 sec., it is apparent that the white braided Protectowire is similar in operating characteristics.

In all cases the Protectowire operated ahead of the sprinklers, the first sprinkler to operate being in D location, in 8 min. 48 sec.

Laboratory Tests—

Further investigations to determine the properties and characteristics of "Protectowire" were made as follows:

1. To determine whether the plastic used to coat the steel wire and which changes its composition when exposed to heat softens or carbonizes by this heat.

Tests made with the use of an electric hot plate indicated definitely that the plastics softened and tended to melt rather than to harden and crush by the stress of the tension of the wires.

2. To determine the effect of corrosive atmospheres on the insulation and wire.

Chlorine gas an acetic acid fumes generated in a laboratory corrosion box were used and a specimen left in this concentrated gas for 100 hours. Color of braid was changed from red to yellow; exposed steel wire somewhat corroded; tape on joints softened. The plastic coating over each wire did not change physically except in color; the coated steel wire was discolored.

3. To determine condition of "Protectowire" when left in higher than normal temperatures for 150 hours.

An electrically heated, automatically controlled oven was used, which maintained a constant uniform temperature of 125°F. A 6 ft. section of "Protectowire" was installed in this oven and left for a period of 150 hours. "Megger" meter measurements made before and after the tests, indicated that there was no change in the general characteristics and insulating value of the wire due to temperature as high as 125°F. "Megger" reading over 100 megohms before and after.

4. To determine effect of submersion in water at room temperature for 150 hours, a 6 ft. section of this wire with both ends bared were coiled and submerged except for the ends, in a metal pail of fresh water. "Megger" tests made at time of immersion between conductors and between conductors and metal pail were over 100 megohms.

After 150 hours in water, conductor No. 1 while in the water tested to the pail, a resistance of 10,000 ohms. Conductor No. 2 tested over 100 megohms between the conductor and pail, and between the two conductors

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over 100 megohms, which indicated that one conductor had been slightly affected by the absorption of water. However, it did not impair the operating value of the "Protectowire".

Temperature Tests—

Tests to determine at what temperature the "Protectowire" operated, were made by emerging a section in a water bath, the water being constantly agitated to maintain a uniform temperature and the temperature being raised at the rate of 1.5°F. per minute. The temperature was indicated by a 10 in. all-glass Fahrenheit thermometer and the operation of the wire was indicated by a bell and battery connected to it. Of three samples tested the average temperature was 155°F. A section of "Protectowire" was connected by bell and battery and installed in the standard sprinkler testing oven in Sprinkler Division Laboratory, with a standard 155° sprinkler head. The "Protectowire" operated well in advance of the sprinkler head.

Dielectric Tests—A 6 ft. length of Protectowire" was prepared by separating the two conductors from each other for 3 in. at each end. One end of each conductor was bared for 1½ in. and connected to a circuit from a testing transformer, starting at 100 volts, and measured by steps of 100 volts to 3,000 volts, 60 cycle. The insulation did not puncture at 3,000 volts when being left in circuit for one minute. The voltage was then increased in steps of 100 to 9,000 when a weakened place at the free end of the wire broke down.

Abuse Test—To determine whether kinks in "Protectowire" would break down the insulation, one end of a 3 ft. section of wire was secured in insulating jaws in a vice with a bell and battery connected so that any contact between wires would give a signal.

Deliberate kinks were made and it was possible with more than ordinary effort to pull the kinks together sufficiently to give an alarm and cause the insulation to be broken down mechanically. This, however, would not occur with ordinary handling unless unusual efforts were exerted.

Hammer Test—Similar to Abuse Test except wire was laid on a soft wood board and struck several times with a ½-lb. hammer. After the third impact the insulation broke down.

Crush Test—A similar setup using a battery and bell and 3 ft. of wire were used, placing a section of "Protectowire" between two 1-in. soft pine boards inserted in a vice. It was possible to crush the wood and indent the wire into it without doing any appreciable damage, or causing a failure of the insulation.

Staple Test—A 3 ft. section of "Protectowire" was placed on a pine board and 20 ordinary uninsulated wire staples were driven into this board securing the wire in position. It was found that only by deliberate intent was it possible to break down this insulation with these staples and with insulating staples such as the Blake or equivalent, it is improbable that the operation of the wire would be impaired.

RECOMMENDATIONS FOR IMPROVEMENT.

The rheostat or voltage regulator on the control panel is too readily accessible and may be accidentally adjusted so that an alarm failure can be caused. This

should be less conspicuous and arranged to be adjusted only by an experienced person.

CONCLUSIONS. Tests indicate that "Protectowire" (standard rating-155°F.) is capable of performing as well as other apparatus of similar purpose, when installed so that in areas protected the wire will be not more than 7½ ft. from the wall and not more than 15 ft. apart.

This fire detecting system has been found to perform satisfactorily, and equal to similar system now in use. It is in no way expected to replace automatic extinguishing equipment such as automatic sprinklers. However, it is considered suitable for use in buildings of small value or where the expense of automatic extinguishing equipment is not warranted.

The detecting unit or wire "Protectowire" is sufficiently well constructed to withstand any ordinary abuse, and with ordinary care during installation, can be expected to be in satisfactory operating condition when completely assembled.

RECOMMENDATION.

On the basis of these tests and report, and due to the scarcity of critical material, the Committee on Tests recommends the approval of Protectowire (Heat Sensitive Cable) for voluntary use in New York City, in buildings where the assessed value thereof does not exceed \$25,000 unless otherwise approved in individual cases by the Board, for the duration of the war emergency, as a thermostatic alarm system, when connected to an approved central office only through approved detecting and transmitting devices and when under the supervision and maintenance of said central office, and when installed in a manner satisfactory to the Fire Commissioner, provided a label is attached to either the control panel or cabinet, reading "Protection. Approved by the Board of Standards and Appeals for voluntary use during the War Emergency under Cal. 179-43-SM."

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests

and

WHEREAS, this report recommended the approval of this material.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as "Protectowire" (Heat Sensitive Cable), *on condition* that the material be manufactured, installed and labelled, stamped or tagged in accordance with above report.

Recessed at 5.00 P. M. to Wednesday, July 21, 1943 at 10 A. M.

Reconvened on July 21, 1943 at 10 A. M., adjourned at 12 M.

JOSEPH J. DOYLE, Chief Clerk.

NOTICE

Copies of the Official Directory of the City of New York for the year 1943 (The Little Green Book), containing the latest authentic information in relation to City, State and Federal Departments, Bureaus, Offices and

Courts, are now on sale at the office of the Supervisor of the City Record, Room 2213, Municipal Building, Manhattan. Price 50 cents; by mail, five cents per copy must be added for postage.

RULES

RULES FOR INSPECTION OF APPROVED OPENING PROTECTIVE ASSEMBLIES

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS OCTOBER 20, 1939. EFFECTIVE, IN ACCORDANCE WITH SECTION 665, SUBDIVISION C, OF THE NEW YORK CITY CHARTER, NOVEMBER 13, 1939.

(1139-39-SR)

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraph 2, Charter of the City of New York and C26-189.0 Administrative Building Code (2.2.1.1) and C26-610.0 Administrative Building Code (10.1.18) and C26-660.0, 661.0 and 662.0 Administrative Building Code (108.1, 2 and 3).

Note: Where reference in parenthesis appears after the Administrative Building Code section it refers to the section of the New Building Code as formerly numbered.

Rule 1 Scope.

1.1 Before any Opening Protective Assembly is used under the provisions of the Administrative Building Code, it shall be tested as required in Section C26-610.0 (10.1.18) and its Fire-Resistive Rating shall be designated as "¾-Hour", "1-Hour", "1½-Hour", or "3-Hour", in accordance with the approval.

1.2 Before engaging in the manufacture of approved opening Protective Assemblies, the manufacturer shall have an established plant completely equipped with the necessary facilities, machinery and tools for the manufacture of the Opening Protective Assemblies.

1.3 Before applying for approval of plant and permission to manufacture approved Opening Protective Assemblies, the manufacturer shall file a list of his equipment and facilities with the Board of Standards and Appeals, together with a statement of the name, type, specifications and details of the approved door, which he agrees to manufacture in accordance with the rules and regulations of the Board and the requirements of the Administrative Building Code.

1.4 All Opening Protective Assemblies made under any approval issued by the Board of Standards and Appeals for the manufacture of approved Opening Protective Assemblies of "¾-Hour", "1-Hour", "1½-Hour" or "3-Hour" rating shall be rejected on evidence that such Opening Protective Assemblies are not manufactured or labelled in accordance with the approved specifications of the Board.

Rule 2—Inspections.

2.1 No Opening Protective Assemblies shall be installed in any building until such Opening Protective Assemblies have been inspected and labelled either by the Borough Superintendent, or by a recognized testing laboratory or other qualified person or agency approved by the Board as having proper facilities.

2.2 Before issuing any label for the use of an approved Opening Protective Assembly, the authorized inspection agency shall first notify the Borough

Superintendent that inspection will be made by him of the materials and construction entering into the assembly of the Opening Protective Assemblies, stating the location of the premises where the Opening Protective Assemblies will be used, the Building Permit number, the name of the approved Opening Protective Assembly and the manufacturer and the number of such units to be manufactured.

Note: Where an Opening Protective Assembly is of fire-proofed wood, such wood shall be submitted to tests for fireproofed wood, as prescribed in the Administrative Building Code, Section C26-331.9 (7.2.3.1 to 7.2.3.9, inclusive).

2.3 After the materials have been cut and inspected, the authorized inspection agency shall inspect the assembly and fabrication of the parts and shall issue an approved label only if the completed Opening Protective Assemblies comply in all respects with the approved specifications on file in the Board of Standards and Appeals.

Rule 3—Labels.

3.1 Every approved Opening Protective Assembly before installation in a building under the provisions of the Administrative Building Code, shall have securely attached to it, a metal label of a design approved by the Board, giving the name of the Opening Protective Assembly, the calendar number of the approval of the device, the fire-resisting rating, the serial number of the specific type of door and buck, or window, the year of manufacture and the name of the inspection agency.

3.2 After attachment of the Serial Label to the Opening Protective Assembly, the inspection agency shall advise the Borough Superintendent the serial numbers, the address of the premises and the Building Permit numbers of the approved Opening Protective Assembly.

3.3 The manufacturer may also attach to the Opening Protective Assembly, a metal label giving the name and location of the manufacturer. He shall also keep an office record showing the location of each Opening Protective Assembly manufactured by him, its serial label number and the Building Permit number; and this record shall be open for inspection by any authorized representative of the Board of Standards and Appeals and the Department of Housing and Buildings.

3.4 Every labelled Opening Protective Assembly shall be constructed and installed in all essentials as tested and approved and arranged to receive hardware of an equal type, quality and material and requiring no greater cutting away of the wood or metal than on the approved Opening Protective Assembly, as tested.

FORMS FOR NOTICE TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such

copies at the office of the Board of Standards and Appeals Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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No. 31

DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1000 to 1018.

TELEPHONE—WOrth 2-5600.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.

Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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the Bulletin of August 10, 1943.

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building,
Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the en-
gineers, pertaining to the work of the board, will be seen
only between the hours of ten in the morning and one in
the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection
with which court proceedings are pending or in progress,
unless exception is granted by the chairman, nor accepted
which is not filed within thirty days from the date of the
action of the Administrative Official.

Any communication purporting to be an appeal or appli-
cation shall be regarded as a mere notice of intention to
seek relief until it is filed on the form required by the rules
of this board.

Upon receipt of any such communication the writer will
be supplied with the official forms for presenting his appeal
or application.

At the time of filing an appeal or application, the appel-
lant or applicant shall forward a signed notice of appeal
addressed to the administrative official (either commissioner
of buildings or fire commissioner) and file with this board
a duplicate of said notice.

Appellants and applicants are advised that their plans
must indicate the points of the compass so as to establish
the true location and position of the property, the subject
of the appeal or application.

Appeals and applications will be simplified and disposition
of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET

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371-43-S—H.B.M.—448-450 Broome street, northeast corner of Mercer street (Block 484, Lots 31 and 32), Borough of Manhattan, Alt. 482-43.

372-43-S—H.B.M.—442-448 Fourth avenue, northwest corner of East 30th street (Block 860, Lot 37), Borough of Manhattan, Alt. 635-43.

373-43-A—F.D.—Re: Transportation of Varsol Nos. 1 and 2 in tank truck (semi-trailer Tractor); (Capacity of Tank not in conformity with Administrative Code Specifications covering Tank Trucks), in New York City, Decision.

374-43-A—F.D.—Re: Packaging of inflammable and combustible mixtures known as "E. I. DuPont De-Nemours and Company" Nos. 18 Cement, 21 Cement, C-23 Cement, 24 Cement, 26 Cement, 28 Cement, 32 Cement, C-35 Cement, S-80-40 Stain, C-42 Cement, H-64 Stain (combustible), H-66 Cement, H-78 Cement, 231 Cement, H-79 Cement, 83 Solvent, H-90 Black Stain (combustible), K-88 Solvent, 89 Solvent, 92 Black Stain (combustible), C-95 Cement, C-96 Solvent, 97 Cement, 98 Cement, 99 Cement, C-103 Cement, F-105 Solution, 106 Solution, C-107 Cement, H-108 Black Cement (combustible), and 109 Cement, in 8 oz., 16 oz., 32 oz., 128 oz. and 5 gallon glass containers (capacity of glass containers not in conformity with Administrative Code Specifications), Decision.

375-43-A—H.B.M.—442-448 Fourth avenue, northwest corner of East 30th street (Block 860, Lot 37), Borough of Manhattan, Alt. 635-43.

376-43-S—F.D.—703-705 Bedford avenue, east side, from Wallabout to Lynch streets, 97-121 Wallabout street, 2-24 Lynch street, and 1-3 Middleton street (1st and 2nd floors); (Block 2235, Lot 1), Borough of Brooklyn, Decision.

377-43-S—F.D.—42-46 West 48th street, south side, 520 ft. west of Fifth avenue (5th floor); (Block 1263, Lot 59), Borough of Manhattan, Decision.

378-43-SM—Blaze-Pruf (fire-resisting paint coating), manufactured by Wilbur and Williams Co., Material.

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258-35-BZ—H.B.Q.—2120-2124 Menahan street (rear), east side, 185.96 ft. north of Grandview avenue (Block 3373, Lot 18), Ridgewood, Borough of Queens, Misc. 1507-43.

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

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Concrete Masonry Units, Rules for Manufacture, Testing and Use of	June	24, 1941—Vol. 26, No. 25
Concrete Rules (Hydrated Lime)	Aug.	3, 1937—Vol. 22, No. 31
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Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

SEPTEMBER 14, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 14, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

82-43-BZ—Application of James A. Boyle, applicant, on behalf of Louis L. Ahlers and Mary Fromer, owners (Celtic Circle, Inc., Sheepshead Bay Unit No. 1, lessee), reopened and restored to calendar, July 20, 1943, under section 7c of the zoning resolution, to permit partly in a residence use and partly in a business use district, the erection of a grandstand for an athletic field, the use of which is primarily for business purposes (previously dismissed for lack of prosecution); premises 1232-1254

CALENDAR

Avenue Z and 2602-2644 East 13th street, southwest corner and 2601-2649 Homecrest avenue (Block 7457, Lots 1 and 15), Borough of Brooklyn.

663-42-BZ—Application, September 8, 1942, under sections 7e and 21 of the zoning resolution, of Jacob Beller, applicant, on behalf of Henrietta Coopersmith, owner (Annie Oakley, lessee), to permit in a residence use district, for a term of two years, the conversion of occupancy of an existing frame structure, to a stable for more than five horses and also, as a riding academy; premises 90-17 71st avenue and 70-67 to 70-79 Walnut street, northwest corner (Block 3899, Lot 1), Forest Hills, Borough of Queens.

282-35-BZ—Application of Paul Friedman, applicant, on behalf of Bay Parkway Holding Corporation, owner (Empire Chevrolet, Inc., lessee), reopened July 20, 1943, under section 7f of the zoning resolution, to permit in a business use district, for a term of five years, the conversion of occupancy of the use of the premises as office, five car garage and auto laundry to office, lubritorium, auto laundry and gasoline service station; premises 1159-1167 Utica avenue and 5002-5010 Clarendon road, southeast corner (Block 4771, Lot 1), Borough of Brooklyn.

Appeals from Administrative Decisions.

332-43-A—77-52 74th street, west side, 89 ft. north of 78th avenue (Block 3811, Lot 29), Glendale, Borough of Queens.

346-43-A—87-86 188th street, west side, 100 ft. north of Hillside avenue (Block 9960 (1007), Lot 56 (1)), Hollis, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

SEPTEMBER 14, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon, September 14, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

746-42-A—241 West 72nd street, north side, 280 ft. 5½ in. west of Broadway (Block 1164, Lot 15), Borough of Manhattan.

267-43-A—Re packaging of combustible mixture, known as "Neptune Waterproof Belt Cement," in one-quart and one-pint glass bottles (capacity of glass bottles not in conformity with Administrative Code Specifications).

910-39-A—107-111 Myrtle avenue, north side, 21 ft. west of Bridge street (Block 143, Lot 30), Borough of Brooklyn (reopened July 13, 1943).

710-42-S—57-02 48th street (Block 24552, Lot 24), Maspeth, Borough of Queens.

52-43-A—645-669 73rd street, north side, 203 ft. 8 in. west of Seventh avenue and 656-674 72nd street (Block 5911, Lot 31), Borough of Brooklyn.

313-43-A—28 South 9th street, south side, 98 ft. east of Kent avenue (Block 2144, Lot 10), Borough of Brooklyn.

252-42-A—296-302 7th street, south side, 214 ft. 4 in. west of Fifth avenue (Block 998, Lots 26, 28 and 29), Borough of Brooklyn, (reopened and restored to calendar, November 10, 1942; previously withdrawn).

364-43-A—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

615-42-A—1680 Broadway, east side, 104 ft. south of West 53rd street (Block 1024, Lot 38), Borough of Manhattan.

369-43-A—1764-1768 and 1770 Circumferential parkway, northwest corner of Bay 37th street (Block 6942, Lots 17 and 92), Borough of Brooklyn.

635-41-A—398-408 Riverdale avenue, southwest corner of Junius street (Block 3831, Lot 25), Borough of Brooklyn (reopened May 4, 1943; previously withdrawn).

99-43-A—770-774 Eastern parkway, south side, 90 ft. west of Kingston avenue (Block 1271, Lot 31), Borough of Brooklyn.

331-43-A—30-89 32nd street, east side, 125 ft. north of 31st avenue (Block 616, Lot 2), Long Island City, Borough of Queens.

372-43-S—442-448 Fourth avenue, northwest corner of East 30th street (Block 860, Lot 37), Borough of Manhattan.

375-43-A—442-448 Fourth avenue, northwest corner of East 30th street (Block 860, Lot 37), Borough of Manhattan.

47-43-A—3064 Brighton 4th street, west side, 124 ft. north of Brighton Beach avenue (Block 7284, Lot 1260), Borough of Brooklyn.

709-42-A—199 Broadway, north side, 25 ft. 5¼ in. west of Washington Plaza (Block 2444, Lot 92), Borough of Brooklyn.

382-43-A—150 Ocean parkway, west side, 395 ft. south of Caton avenue (Block 5328, Lot 30), Borough of Brooklyn.

255-43-A—28-53 216th street, north side, 477.32 ft. east of 28th avenue (Block 6019, Lot 1), Bayside, Borough of Queens (under section 35, General City Law—re bed of mapped street—29th avenue).

HARRIS H. MURDOCK, *Chairman.*

SEPTEMBER 21, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning, September 21, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Zoning Application.

258-35-BZ—Application of Henry C. Brucker, applicant, on behalf of Octagon Laundry, Inc., owner, reopened July 27, 1943, re amendment to resolution—re Application, previously granted on condition, under section 7b of the zoning resolution, permitting the extension from a business use district into a residence use district, of an existing wet wash laundry and the erection, partly in a business use district and partly in a residence use district, of a proposed garage for more than five motor vehicles as an accessory to the laundry; premises 2120-2124 Menahan street (rear), south side, 185.96 ft. east of Grandview avenue (Block 3373, Lot 18), Ridgewood, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

SEPTEMBER 21, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, September 21, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions.

191-43-A—15 West 77th street and Central Park West at 79th street (Block 1130, Lot 1), Borough of Manhattan.

12-43-A—679 Broadway, west side, 25 ft. south of West 3rd street (Block 532, Lot 10), Borough of Manhattan.

658-42-A—45 Roebling street, southeast corner of North 9th street (Block 2314, Lot 5), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 19, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, October 19, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Zoning Application.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, JULY 27, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

The minutes of the regular meetings of the Board held on Tuesday morning, July 20, 1943, and Tuesday afternoon, July 20, 1943, were approved, as printed in Bulletin No. 30, Volume 28.

ZONING CASES

177-42-BZ

APPLICANT—Lama and Proskauer, for John F. McKenna, owner.

SUBJECT—Application reopened October 27, 1942 (decision of the borough superintendent) under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution.

PREMISES AFFECTED—582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: Edward F. Kelleher, Frank B. Jones, Jr., Albert A. Reschke, Mrs. Harry A. Reybert, Fritz Winks, Blanche Jones and others.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to September 14, 1943 at 10 A. M., after discussion, for decision by the Board. Applicant to file, before September 14, 1943, revised plans.

109-43-BZ

APPLICANT—Lama and Proskauer, for Samuel Sym, owner.

SUBJECT—Application (decision of the acting borough superintendent) under section 7c of the zoning resolution, to permit in a business use district, the extension in area of a building used as a wet wash laundry.

PREMISES AFFECTED—64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

APPEARANCES—

For Applicant: Alfred A. Lama and Samuel Sym.

For Opposition: W. B. Doty.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to October 19, 1943 at 10 A. M., after discussion and on request of applicant.

258-35-BZ

APPLICANT—Henry C. Brucker, for Octagon Laundry, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment to resolution—Application (decision of the borough superintendent) previously granted on condition, under section 7b of the zoning resolution, permitting the extension from a business use district into a residence use district, of an existing wet wash laundry and the erection, partly in a business use and partly in a residence use district, of a proposed garage for more than five motor vehicles as an accessory to the laundry.

PREMISES AFFECTED—2120-2124 Menahan street (rear), east side, 185.96 ft. north of Grandview avenue (Block 3373, Lot 18), Ridgewood, Borough of Queens.

APPEARANCES—

For Applicant: Henry C. Brucker.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and set for hearing September 21, 1943 at 10 A. M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

129-43-BZ

APPLICANT—Jack Z. Cohen, for Robert B. Allport, owner.

SUBJECT—Application (decision of the borough superintendent) under section 21 of the zoning resolution, to permit in a residence use district, the erection and maintenance of a building for use as an office and storage and sale of used and new building materials, including structural iron and steel.

MINUTES

PREMISES AFFECTED—327-349 Withers street and 62-68 Debevoise avenue, northeast corner (Block 2868, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Larry Meltzer, Henry R. Salzberg and Joseph Goldstein.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application withdrawn, after argument.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

81-43-BZ

APPLICANT—Raymond Irrera, for Bernhard Burger, owner.

SUBJECT—Application (decision of the acting borough superintendent) under section 7c of the zoning resolution, to permit in a residence use district, the extension in area of an existing factory building.

PREMISES AFFECTED—111-59 158th street, 26.29 ft. south of 112th road (Block 12176, Lot 12), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Raymond Irrera and Bernhard Burger.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (81-43-BZ)

WHEREAS, Raymond Irrera, for Bernhard Burger, owner, filed on February 24, 1943, an application under section 7c of the zoning resolution, to permit in a residence use district the extension, in area, of an existing factory building; premises 111-59 158th street, east side, 26.29 ft. south of 112th road (Block 12176, Lot 12), Jamaica, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting July 27, 1943 after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that 158th street is in a residence and business use district; 159th street is in a residence and business use district and Linden boulevard is in a business use district; and

WHEREAS, the decision of the borough superintendent on Alt. Applic. 2803-43, dated February 15, 1943, and amended June 11, 1943 reads as follows:

"1. The enlargement of a factory building located in a residence zone, is contrary to Article 2, Sec. 3 of the zoning law.

2. The use of any part of a plot located in a residence zone, in connection with a new extension erected for factory use, is contrary to Article 2, Section 3 of the Zoning Law."

and

WHEREAS, the applicant states that the premises consist of a plot of ground having a frontage of 60 ft. and a depth of 100 ft.; that upon the rear of the plot there is located a one story, Class 3 building, 58 ft. by 46 ft. 2 in. in area and occupied (legally) as a factory for the manufacture of onyx novelties; that it is proposed to increase the area of this factory building by the erection of a one story, Class 3 ex-

tension, 24 ft. 6 in. by 39 ft. 10 in. in area and to use the extension to house a sawing machine (for [onyx] stone); it is proposed, also, to use the front yard of the premises for the delivery of onyx blocks; and

WHEREAS, the premises were inspected by a committee of the Board; and

WHEREAS, the Board deemed that this was a proper case in which to exercise discretion to grant a zoning variance under section 7c of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulations of the zoning resolution and that the application be and it hereby is granted under section 7c thereof, on condition that the occupancy of the present building and the proposed extension shall be continued; that in the event the present use in the building and the proposed extension is terminated, no other use shall be substituted therefor without the approval of this Board; that the proposed extension shall not exceed one story in height and shall be substantially as indicated on plans filed with this application marked "Received May 28, 1943"; that the portion of the premises to be left as an open yard, shall be enclosed in masonry walls agreeing in construction with the proposed building, except for an entrance not over 12 feet in width with a pair of substantial wooden gates; that the yard space shall be cement-paved, except that areas for planting may be permitted adjacent to the wall; that no signs shall be erected on the premises other than those now existing; that arrangement shall be made for discontinuation of waste water used in manufacturing operations and now flowing to adjoining premises; that such waste water shall be carried into a dry well constructed within the yard space of sufficient size, depth and capacity satisfactory to the borough superintendent; that all permits required shall be obtained and all work completed within one year from the date of this resolution.

86-43-BZ

APPLICANT—Lama and Proskauer, for Genevieve Marchione, owner.

SUBJECT—Application (decision of the borough superintendent) under section 7h of the zoning resolution, to permit in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—575-587 East New York avenue, north side, 134 ft. 6 in. west of Kingston avenue (Block 1332, Lots 51 and 54), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama and Mrs. M. Marchione.

For Opposition: J. W. Gottlieb.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (86-43-BZ)

WHEREAS, Lama and Proskauer, for Genevieve Marchione, owner, filed on February 26, 1943, under section 7h of the zoning resolution, an application to permit in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises 575-587 East New York avenue, north side, 134 ft. 6 in. west of Kingston avenue (Block 1332, Lots 51 and 54), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting July 27, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

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WHEREAS, the use district maps accompanying the zoning resolution show that East New York avenue is in a business use district; Lefferts avenue is in a residence and business use district and Kingston avenue is in a business use district; and

WHEREAS, the decision of the borough superintendent, acting on B. N. 229-43, dated February 25, 1943, reads:

"1. Parking and storage of more than five cars within a business use district is contrary to Art. 2, Sect. 4a-15 of the zoning resolution."

and

WHEREAS, the applicant states that the premises consist of a plot of ground having a frontage of 120 ft. and a depth of 90 ft.; that upon the plot there are located a two-story, two-family brick dwelling; a one-story 4-car private garage (with tank and pump for private use only) and also a frame structure and that it is proposed to demolish the frame structure and to use, for a term of two years, the vacant portion of the premises for parking and storage of more than five motor vehicles; and

WHEREAS, the premises and the surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that this was a proper case in which to exercise its discretion to grant a zoning variance under section 7h of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution and that the application be and it hereby is *granted*, under section 7h thereof, for a term of two (2) years, to permit the premises where unbuilt upon, to be occupied for the parking and storage of more than five (5) motor vehicles, *on condition* that the plot shall be leveled substantially to the grade of East New York avenue, and shall be surfaced with clean gravel, steam cinders or other suitable material, properly rolled and treated with a binder so as to render a reasonably impervious surface and to provide surface drainage; that all structures now existing on the plot shall be removed, except the present two-story brick, two-family dwelling and the present one-story private garage; that there shall be erected on the interior lot lines where walls of existing or adjoining buildings do not occur, a tight-board fence constructed of new material and kept painted; that such fence shall be not less than 6 feet in height; that along the street building lines where walls of adjoining buildings do not occur, there shall be constructed a similar fence continuous, except for one opening for entrance and exit not over 10 ft. in width with curb cut opposite not over 10 ft. in width; that no sign shall be erected on the premises, advertising the non-conforming use, except there may be a sign erected near the entrance, attached to the fence, provided such sign is not over 15 sq. ft. in area and does not extend beyond the building line and is not illuminated; that adequate aisles shall be maintained at all times for easy entrance and egress; that such portable fire extinguishing apparatus shall be maintained as the fire commissioner shall direct; that no additional buildings or uses shall be erected or established on the premises during the term of this variance; that all permits required shall be obtained and all work completed within three (3) months from the date of this resolution.

273-43-BZ

APPLICANT—Lama and Proskauer, for East New York Savings Bank, owner.

SUBJECT—Application (decision of the borough superintendent) under sections 7c and 21 of the zoning resolution, to permit in a residence use district, the conversion of occupancy of a building from marble works to factory (light manufacturing and not contrary to Section 4(a) of the zoning resolution).

PREMISES AFFECTED—965-967 Hopkinson avenue, east side, 260 ft. south of Lott avenue and 576-578 Bristol street (Block 3623, Lot 19), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: Edward Larkin.

For Administration: Fred Dahlem, Dep't of Housing and Building and Gustave Goldman, Board of Education.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative: Commissioner Savage..... 1

Negative: Chairman Murdock, Commisisoner Blum and Deputy Chief Gunn..... 3

THE RESOLUTION (273-43-BZ)

WHEREAS, Lama and Proskauer, for East New York Savings Bank, owner, filed June 4, 1943, an application under sections 7c and 21 of the zoning resolution, to permit in a residence use district the conversion of occupancy of a building from marble works to factory (light manufacturing and not contrary to section 4(a) of the zone resolution); premises 965-967 Hopkinson avenue, east side, 260 ft. south of Lott avenue and 576-578 Bristol street (Block 3623, Lot 19), Borough of Brooklyn; and

WHEREAS, the public hearing was held on this application by the Board of Standards and Appeals at its regular meeting on July 27, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the zoning maps accompanying the zoning resolution show that Hopkinson avenue is in residence and business uses; Bristol street is in residence and business use districts; Hegeman avenue and Lott avenue is in a business use district; and

WHEREAS, the decision of the borough superintendent, Re Alt. Applic. 1552-43, dated June 4, 1943, as amended June 18, 1943, reads:

"1. Changing occupancy of building from marble works to factory (light manufacturing not contrary to Sec. 4a) in a residential zone is contrary to Art. II, Sec. 3 of the one Resolution. Denied."

and

WHEREAS, the applicant states that the existing building is of Class 3 construction, 1 story in height, having a frontage of 40 ft. on Hopkinson avenue and 40 ft. on Bristol street and a depth of 200 ft. and that it is proposed to convert the occupancy of the existing building which is located in a residence use district, from marble works to factory (light manufacturing not contrary to Sec. 4(a) of the zoning resolution); and

WHEREAS, it appears that the premises including adjoining Lot 21 were owned and occupied by the Atlantic Marble Company, Inc., prior to the adoption of the Zoning Resolution in 1916, the buildings on the premises then consisting of a one-story brick building 40 ft. by 80 ft. completed on February 15, 1915 (N. B. 5252 of 1914) and wood sheds for marble cutting, etc.; that in 1925 under application 16,739, while the district was zoned for residence use, the Bureau of Buildings permitted the erection and an extension through to Bristol street, one story in height, 40 ft. in width and 120 ft. in depth as an extension to the existing work shop; that the plans in application 16,739 indicate that while it was proposed to "roof over present buildings, remove all wall of present buildings and erect new hollow tile walls . . .", the addition was in fact a new structure which constituted a zoning variance and which was unlawfully permitted by the Bureau of Buildings; that such building constitutes the major part of the existing building; and

WHEREAS, the applicant amended his application to substitute for a factory use as proposed a storage use for handling and dealing in crates, baskets, butter tubs and similarly used containers; that no decision of the borough superintendent as to this substituted proposed use was filed; and

WHEREAS, the Board deemed that the proposed use as a storage place would be objectionable and in no way appropriate in a residence use district, but did not pass on the proposed factory use, as no specific information as to the

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type of factory other than "any type of light manufacturing" was submitted; and

WHEREAS, the premises and the surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that there was no justification for the exercise of discretion to grant a zoning variance under section 7c of the zoning resolution as the section is inapplicable and that the applicant failed to substantiate a basis to warrant exercise of discretion to grant under section 21 of the zoning resolution, and were therefore not entitled to relief.

Resolved, that the decision of the borough superintendent, as to Alt. Applic. 1552-43 be and it hereby is *affirmed* and that the application be and it hereby is *denied*.

459-37-BZ

APPLICANT—Harry Yahr, for Municipal Parking Stations, Inc., lessee, for The Mutual Life Insurance Company of New York, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the commissioner of buildings) previously granted on condition, under section 7h of the zoning resolution, permitting partly in a business use, partly in a retail use and partly in a restricted retail district for a temporary period of two years, the transient parking of more than five motor vehicles.

PREMISES AFFECTED—886 Seventh avenue and 201-209 West 56th street, northwest corner (Block 1028, Lots 25, 27, 29 and 29½), Borough of Manhattan.

APPEARANCES—

For Applicant: Harry Yahr.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (459-37-BZ)

WHEREAS, this application, under section 7h of the zoning resolution, permitting partly in a business use district, partly in a retail use district and partly in a restricted retail use district, for a temporary term of not more than two years, transient parking of more than five motor vehicles; affecting premises 886 Seventh avenue and 201-209 West 56th street, northwest corner (Block 1028, Lots 25, 27, 29 and 29½), Borough of Manhattan, was granted by the Board November 9, 1938, on certain conditions, permit extended on July 22, 1941 and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of November 9, 1938, as amended through July 22, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h thereof for a temporary term of two (2) years from the date of this *amended* resolution."

262-41-BZ

APPLICANT—William S. Worrall, Jr., for The Cord Meyer Company, owner.

SUBJECT—Application for consideration, reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting partly in a business use and partly in an unrestricted use district, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—86-18 to 86-24 Whitney avenue and 43-02 to 43-12 88th street, southwest corner (Block 1579, Lot 25), Elmhurst, Borough of Queens.

APPEARANCES—

For Applicant: William S. Worrall, Jr.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (262-41-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting partly in a business use and partly in an unrestricted use district, the parking and storage of more than five motor vehicles for a temporary term of two years, affecting premises 86-18 to 86-24 Whitney avenue and 43-02 to 43-12 88th street, southwest corner (Block 1579, Lot 25), Elmhurst, Borough of Queens, was granted by the Board on July 8, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 8, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h thereof, to permit the premises to be occupied for the parking and storage of more than five (5) motor vehicles for a term of two (2) years from the date of this *amended* resolution, on condition . . ."

263-41-BZ

APPLICANT—William S. Worrall, Jr., for The Cord Meyer Company, owner.

SUBJECT—Application for consideration, reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—88-02 to 88-10 43rd avenue and 43-03 to 43-13 88th street, southeast corner (Block 1583, Lot 30), Elmhurst, Borough of Queens.

APPEARANCES—

For Applicant: William S. Worrall, Jr.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (263-41-BZ)

WHEREAS, this application under section 7h of zoning resolution, permitting in a business use district, the parking and storage of more than five motor vehicles for a temporary term of two years, affecting premises 88-02 to 88-10 43rd avenue and 43-03 to 43-13 88th street, southeast corner (Block 1583, Lot 30), Elmhurst, Borough of Queens, was granted by the Board on July 8, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 8, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h thereof to permit the premises to be occupied for the parking and storage of more than five (5) motor vehicles for a term of two (2) years from the date of this *amended* resolution, on condition . . ."

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592-41-BZ

APPLICANT—Max Horn, for Agnes Anastasio, owner.

SUBJECT—Application for consideration, reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a residence use and business use district, for a term of two years, the seasonal transient parking of more than five motor vehicles.

PREMISES AFFECTED—133-151 Beach 5th street, west side, 80 ft. south of Seagirt avenue (Block 140, part of Lot 5), Far Rockaway, Borough of Queens.

APPEARANCES—

For Applicant: Mrs. Max Horn.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (592-41-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a residence and business use district, the seasonal transient parking of more than five motor vehicles for a term of two years, affecting premises 133-151 Beach 5th street, west side, 80 ft. south of Seagirt avenue (Block 140, part of Lot 5), Far Rockaway, Borough of Queens, was granted by the Board on July 17, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 17, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h for a term of two (2) years from the date of this *amended* resolution, to permit . . ."

595-41-BZ

APPLICANT—Clayton G. Shirkey, for Bernal Realty Corporation, owner (Louis Shapiro, lessee).

SUBJECT—Application for consideration, reopening and extension of time and permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a residence use and business use district, for a term of two years, the seasonal transient parking of more than five motor vehicles.

PREMISES AFFECTED—308 Beach 44th street, east side, 94 ft. north of Rockaway Beach boulevard (Block 367, part of Lot 1), Far Rockaway, Borough of Queens.

APPEARANCES—

For Applicant: Clayton G. Shirkey.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened, time and permit extended.

THE VOTE TO REOPEN, EXTEND TIME AND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (595-41-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a residence use and business use district, the seasonal transient parking of more than five

motor vehicles for a term of two years, affecting premises 308 Beach 44th street, east side, 94 ft. north of Rockaway Beach boulevard (Block 367, part of Lot 1), Far Rockaway, Borough of Queens, was granted by the Board on July 17, 1941, on certain conditions, time extended on April 7, 1942 and the applicant requested a further extension of time to obtain permits and complete the work and an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 17, 1941, as amended on April 7, 1942 only in so far as it has reference to the term of the permit and to obtaining permits and completion of the work, so that as amended, these portions of the resolution shall read:

"that in view of a statement by the owner's representative that all work required by the Board's resolution has been completed and that a Certificate of Occupancy will be obtained as soon as an extension of time is granted by the Board, all permits required shall be obtained and all work completed within three (3) months from the date of this *amended* resolution"

and in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h for a term of two (2) years from the date of this *amended* resolution, to permit the parking and storage of more than five (5) motor vehicles, on condition . . ."

558-42-BZ

APPLICANT—Fairgate Holding Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting partly in a retail use and partly in a residence use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—96-05 63rd road, northeast corner of 96th street (Block 2085, Lots 155, 157, 159 and 101), Rego Park, Borough of Queens.

APPEARANCES—

For Applicant: F. Finkelhor.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (558-42-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting partly in a retail use and partly in a residence use district, the parking and storage of more than five motor vehicles for a term of two years, affecting premises 96-05 63rd road, northeast corner of 96th street (Block 2085, Lots 155, 157, 159 and 101), Rego Park, Borough of Queens, was granted by the Board on October 27, 1942, on certain conditions, time extended on May 4, 1943 and the applicant requested a further extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of October 27, 1942 as amended on May 4, 1943, only in so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that all permits shall be obtained and all work completed within six (6) months from the date of this *amended* resolution."

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577-42-BZ

APPLICANT—George H. Cohn, for Crew Levick Corporation, owner (Joseph E. Johnston, lessee).

SUBJECT—Application for consideration—reopening and amendment to resolution—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting partly in a business use and partly in a residence use district, the extension of an existing gasoline service station for parking of more than five motor vehicles for a term of two years.

PREMISES AFFECTED—1 Bay Ridge avenue and 6833 Shore road, northeast corner (Block 5859, Lots 10 and 12), Borough of Brooklyn.

APPEARANCES—

For Applicant: Martin D. Eile.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (577-42-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting partly in a business and partly in a residence use district, the parking and storage of more than five motor vehicles for a temporary term of two years, affecting premises 1 Bay Ridge avenue and 6833 Shore road, northeast corner (Block 5859, Lots 10 and 12), Borough of Brooklyn, was granted by the Board on January 12, 1943, on certain conditions time extended on July 13, 1943 and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of January 12, 1943 as amended July 13, 1943 so that as amended the resolution shall read:

"Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulations of the zoning resolution and that the application be and it hereby is granted under section 7h thereof, for a term of two (2) years from January 12, 1943, to permit the premises to be occupied for the parking or storage of more than five (5) motor vehicles, on condition that the plot shall be leveled and surfaced with steam cinders, clean gravel or other suitable material and properly rolled and treated with a binder which may be of asphalt or calcium chloride; that the area of the premises shall be as indicated on revised plan marked 'Received December 11, 1942'; that there shall be erected back of the building line along Shore road, a masonry retaining wall, properly coped, as indicated on such plan, together with planting, as indicated; that there shall be erected on the interior lot lines to the north and east as indicated on said plan, a wood picket fence or galvanized wire fence of the chain link type with steel posts not less than 5 feet in height, except that on the easterly lot line, if a substantial fence now exists, it may be continued, provided it is not less than 4 ft. 6 in. in height; that such fences shall be maintained in good condition and kept painted; that the existing two-car garage may be continued on the premises; that the greasing pit shall be removed; that proper bumpers shall be maintained at all times for protection of the fences and the planting; that entrance to this parking lot shall be only through the opening in the rear wall to the gasoline station on the adjoining lot under the same management; that only cars of the pleasure car type and those in condition for operation shall be so parked or stored; that proper aisles shall be maintained at all times for easy entrance and egress; that no signs shall be maintained on the premises, except there may be a sign in connection with the adjoining

ing gasoline station inside the building at the Bay Ridge avenue frontage, advertising the parking and storage use and the rates charged; that such sign shall not exceed 10 sq. ft. in area; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that no additional buildings shall be erected and no additional uses maintained on the premises other than those herein permitted; that all permits required and all work completed and a certificate of occupancy shall be obtained within three (3) months from July 13, 1943."

897-42-BZ

APPLICANT—Jaek Z. Cohen, for William Ulmer, Inc., owner (Murton Realty Co., Inc., lessee); (request for reopening made by lessee).

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting the extension, from an unrestricted use into a business use district, of an existing gasoline service station; the extension to be used for parking and storage of more than five motor vehicles.

PREMISES AFFECTED—1502-1508 Newkirk avenue and 589-603 East 15th street (Marlborough road), southeast corner (Block 5236, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Larry Meltzer.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (897-42-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting the extension, from an unrestricted use into a business use district, of an existing gasoline service station; the extension to be used for parking and storage of more than five motor vehicles, affecting premises 1502-1508 Newkirk avenue and 589-603 East 15th street (Marlborough road), southeast corner (Block 5236, Lot 1), Borough of Brooklyn, was granted by the Board on May 4, 1943, on certain conditions and the applicant requested an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of May 4, 1943, only in so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that in view of a statement by the applicant that the present use has been temporarily abandoned, that no gasoline is being sold on the plot and that the tenant is not operating a parking lot on the premises, all permits shall be obtained and all work completed within six (6) months from the date of this amended resolution."

APPEALS FROM ADMINISTRATIVE DECISIONS

332-43-A

APPLICANT—Joseph M. Lonergan, for Harry J. Hoffman, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—77-52 74th street, west side, 89 ft. north of 78th avenue (Block 3811, Lot 29), Glendale, Borough of Queens.

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APPEARANCES—

For Applicant: Joseph M. Lonergan.
For Opposition: Mr. and Mrs. Fred Spiralke.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to September 14, 1943 at 10 A. M., for decision by the Board. No further argument.

346-43-A

APPLICANT—Frank C. Keller for Mae B. McDowell, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—87-86 188th street, west side, 100 ft. north of Hillside avenue (Block 996 (1007), Lot 56 (1)), Hollis, Borough of Queens.

APPEARANCES—

For Applicant: Frank C. Keller and Mr. Magerle.
For Opposition: Frederick W. Mueller.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to September 14, 1943 at 10 A. M., for decision by the Board. No further argument.

79-43-A

APPLICANT—Felix J. Alia, owner.

SUBJECT—Application reopened and restored to calendar, May 25, 1943—Appeal from a decision of the acting borough superintendent (previously withdrawn).

PREMISES AFFECTED—195 Victory boulevard, north side, 149.96 ft. east of Pike street (Block 33, Lot 33), Tompkinsville, Borough of Richmond.

APPEARANCES—

For Applicant: Felix J. Alia.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative: Commissioner Savage..... 1
Negative: Chairman Murdock, Commissioner Blum and Deputy Chief Gunn..... 3

THE RESOLUTION (79-43-A)

WHEREAS, this appeal from a decision of the acting borough superintendent, affecting premises 195 Victory boulevard, north side, 149.96 ft. east of Pike street (Block 33, Lot 33), Tompkinsville, Borough of Richmond, was withdrawn on April 13, 1943; and

WHEREAS, the applicant requested a reopening and consideration of the appeal; and

WHEREAS, this case was reopened by vote of the Board on May 25, 1943, subject to usual procedure; and

WHEREAS, the borough superintendent has issued the following decision dated April 22, 1943, on Amendment to B. N. Applic. 41-43:

"Certificate of Occupancy issued March 11, 1931 is binding and conclusive unless set aside or vacated by the Board of Standards and Appeals. Section 676 G Charter."

and

WHEREAS, such decision was predicated on a request contained in amendment filed April 22, 1943 to B. N. Applic. 41-43, which amendment reads as follows:

"I request revocation of Certificate of Occupancy issued in 1931 on Alt. Applic. 974-29, because same is not correct and was issued in error."

and

WHEREAS, the applicant states that the building is four stories (37 ft.) in height, 22 ft. by 54 ft. in area, of Class 4 construction, located in a business 1 use district and erected in 1902; and

WHEREAS, the applicant states that the building has been occupied since 1923 as a three-family dwelling; that in 1929, when he purchased the property, the premises were used as a three-family dwelling; that he altered the property and erected a store in these premises; that the certificate of occupancy dated March 11, 1931, permitted the use of the premises for one store and two families; that request is made for the revocation of the certificate of occupancy dated March 11, 1931, so that the premises may revert to a three-family dwelling; that affidavits have been filed with the Department of Housing and Buildings, showing that the premises have been occupied prior to 1929 as a three-family dwelling; and

WHEREAS, after consideration of all available records in the Department of Housing and Buildings including the Housing Division, the Board deemed that there was no basis for determining that the certificate of occupancy issued after completion of alterations in 1929 (Alt. 974 of 1929), was contrary to the lawfully permitted use; that there appears to be no substantiation for the claims that, the occupancy at any time lawfully existed for three families, there being no indication of any approval of occupancy as a tenement house prior to 1929 under the provisions of the Tenement House Law or thereafter under the Multiple Dwelling Law.

Resolved, that the decision of the borough superintendent dated April 22, 1943 on amendment to B. N. Applic. 41-43 be and it hereby is *affirmed* and that the appeal be and it hereby is *denied*.

292-43-A

APPLICANT—Cafiero and Lacerenza, for Tommaso Sorrentino, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—102 Second place, south side, 25 ft. west of Court street (Block 366, Lot 27), Borough of Brooklyn.

APPEARANCES—

For Applicant: William R. Lacerenza.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (292-43-A)

WHEREAS, Cafiero and Lacerenza, for Tommaso Sorrentino, owner, filed on June 15, 1943 an appeal from a decision of the borough superintendent, affecting premises 102 Second place, south side, 25 ft. west of Court street (Block 366, Lot 27), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent dated July 16, 1943 on Alt. Applic. 1657-43, reads:

"1. Application to revoke existing certificate of occupancy denied. Authority to revoke rests solely with the Board of Standards and Appeals."

and

WHEREAS, the applicant states that the building is 4 stories and basement (56 ft.) in height, 25 ft. by 49 ft. in area, of Class 3 construction, erected prior to 1901, located in a business use district and occupied as follows: cellar, ordinary storage; basement and 1st floor combined, 1 family; 2nd, 3rd and 4th floors combined, 1 family; proposed to be occupied: cellar, same; basement, 1 family; 1st floor, 1 family; 2nd floor, 1 family; 3rd floor, 1 family; 4th floor, 1 family; and

WHEREAS, the applicant contends that the purpose of this appeal is to revoke Certificate of Occupancy 82446 and to re-establish the status of the building to its original classification as an old law tenement; that the building was occupied until May 20, 1937 by three families and converted

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to two-family dwelling under Alt. Applic. 3449-37; that at the time Permit 3449-37 was issued, there was a tenement house violation outstanding, requiring the fire-retarding of halls and including several other violations; that the owner at that time removed the building from the multiple dwelling classification as a temporary expedient, due to financial difficulties; that the building is designed for multiple dwelling occupancy; that the original layout of rooms was not changed; that in addition to complying with the requirements of the Multiple Dwelling Law, it is proposed to remove part of the rear brick wall and provide new kitchens and bathrooms in the basement and first story, to install new vent ducts for bathrooms in basement and 1st floor and to do all other work which may be required pursuant to section 7 of the Multiple Dwelling Law; and

WHEREAS, the records indicate that the building was erected as a four-story and basement three-family tenement house under N. B. Applic. 977-1897.

Resolved, that the decision of the borough superintendent on Alt. Applic. 1657-43 be and it hereby is *modified* and that Certificate of Occupancy 82446, be and it hereby is *revoked*, to permit the owner to restore the building to an old law tenement, complying with the requirements of Article 7 of the Multiple Dwelling Law.

Adjourned: 1:30 P. M.

JOSEPH J. DOYLE, Chief Clerk.

REGULAR MEETING

TUESDAY AFTERNOON, JULY 27, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

APPEALS FROM ADMINISTRATIVE DECISIONS

12-43-A

APPLICANT—Schuman and Lichenstein, for Doyman Realty Company, Incorporated, owner (D.N.S. Hat Company, lessee).

SUBJECT—Appeal from a decision re an order of the fire commissioner.

PREMISES AFFECTED—679 Broadway, west side, 25 ft. south of West Third street (Block 532, Lot 10), Borough of Manhattan.

APPEARANCES—

For Applicant: S. N. Alderman.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Laid over to September 21, 1943 at 2 P. M., pending an inspection by a committee of the Board.

182-42-A

APPLICANT—New York Tribune, Inc., owner.

SUBJECT—Application reopened and restored to calendar, October 27, 1942—Appeal from an order and decisions of the fire commissioner (previously withdrawn).

PREMISES AFFECTED—242 West 41st street, south side, 300 ft. east of Eighth avenue (Block 1012, Lot 49), Borough of Manhattan.

APPEARANCES—

For Applicant: E. F. Manion.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal withdrawn on request of applicant's representative.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

852-42-A

APPLICANT—John D. Anderson, for Durkee Famous Foods, Division of The Glidden Company, owner.

SUBJECT—Appeal from a decision re an order of the fire commissioner.

PREMISES AFFECTED—47-10 94th street, west side, 100 ft. north of Corona avenue (Block 1600, Lot 4), Elmhurst, Borough of Queens.

APPEARANCES—

For Applicant: Edward P. Nitchie.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal withdrawn on request of applicant's representative.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

873-42-A

APPLICANT—Charles Fischer Spring Company, for 240 Kent avenue Realty Corporation, owner.

SUBJECT—Appeal from a decision re an order of the fire commissioner.

PREMISES AFFECTED—240 Kent avenue, southwest corner of North First street (Block 2377, Lot 11), Borough of Brooklyn.

APPEARANCES—

For Applicant: Milton Rosenblum.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal withdrawn on request of applicant's representative.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

278-43-A

APPLICANT—W. F. Swett, for Phillips Petroleum Company, owner.

SUBJECT—Transportation of liquefied petroleum gas known as "Propane" in tank truck in New York City (capacity of tank not in conformity with Administrative Code Specifications covering tank trucks).

APPEARANCES—

For Applicant: None.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

345-43-A

APPLICANT—Sidney L. Strauss, for Siegel and Son, lessee (St. Catherine's Hospital, owner).

SUBJECT—Appeal from a decision re an order of the fire commissioner.

PREMISES AFFECTED—115-123 Waterbury street and 265-281 Ten Eyck street, northwest corner (Block 3020, Lot 31), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sidney L. Strauss.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal withdrawn on request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

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393-42-A

APPLICANT—Samuel Kofka, for Estate of J. A. Zibell, owner (Schreibman and Feldman, lessees).

SUBJECT—Application reopened and restored to calendar, March 30, 1943—Appeal from an order of the fire commissioner (previously withdrawn).

PREMISES AFFECTED—273 Water street, southeast side, 77 ft. west of Dover street (Block 107, Lot 48), Borough of Manhattan.

APPEARANCES—

For Applicant: Samuel Kofka.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal dismissed.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (393-42-A)

WHEREAS, this appeal from an order of the fire commissioner, affecting premises 273 Water street, southeast side, 77 ft. west of Dover street (Block 107, Lot 48), Borough of Manhattan, was withdrawn on June 16, 1942; and

WHEREAS, the applicant requested a reopening and restoration to the calendar; and

WHEREAS, this case was reopened by vote of the Board on March 30, 1943 and restored to the calendar; and

WHEREAS, the applicant states that at the hearing held June 16, 1942 by the Board, the appeal was withdrawn, pending a clarification of the order with respect to "the other means of fire extinguishment"; that the fire commissioner construes the order as requiring the installation of the sprinkler system as stated in a decision of the fire commissioner dated March 19, 1943, which reads:

"In answer to your inquiry of March 8, 1943, please be advised that with respect to the combustible order 29222-LC, directed to your clients, Schreibman and Feldman, 273 Water street, Manhattan, the reissuance of such order is herewith denied.

Concerning the wording of the order, you are herewith advised that 'other means for the extinguishment of fire satisfactory to the fire commissioner connotes a fixed fire extinguishing system customarily called a sprinkler system.

I trust that this letter will sufficiently answer your request and lend enough definiteness and certainty to the order so that your appeal before the Board of Standards and Appeals previously marked withdrawn may be heard on the merits."

and

WHEREAS, the ownership of the property in question has to be clarified and his consent to the appeal obtained.

Resolved, that the appeal be and it hereby is *dismissed* as being improperly before the Board in view of the change of ownership.

476-42-A

APPLICANT—William Hand, d/b/a Capital Drug Company, for Bushwick Building Co., Inc., owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—2553-2563 Atlantic avenue and 30-48 Alabama avenue, northwest corner (Block 3666, Lot 31), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (476-42-A)

WHEREAS, William Hand, doing business as the Capital Drug Co., for Bushwick Building Co., Inc., owner, filed on June 16, 1942, an appeal from a decision of the fire commissioner affecting premises 2553-2563 Atlantic avenue and 30-48 Alabama avenue, northwest corner (Block 3666, Lot 31), Borough of Brooklyn; and

WHEREAS, the applicant or his representative failed to appear at this hearing, although duly notified to do so.

Resolved, that the appeal be and it hereby is *dismissed* for lack of prosecution.

688-42-A

APPLICANT—Manhattan Opera House Holding Company, owner.

SUBJECT—Application reopened and restored to calendar, May 4, 1943—Appeal from a decision of the borough superintendent (previously withdrawn).

PREMISES AFFECTED—311-315 West 34th street, north side, 200 ft. west of Eighth avenue and 316 West 35th street (Block 758, Lot 28), Borough of Manhattan.

APPEARANCES—

For Applicant: William J. Minogue.

For Administration: Fred Dahlem, Dep't of Housing and Buildings and Lieut. John Connors and Chief O'Donohue, Fire Dep't.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0
Negative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

THE RESOLUTION (688-42-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 311-315 West 34th street, north side, 200 ft. west of Eighth avenue and 316 West 35th street (Block 758, Lot 28), Borough of Manhattan, was withdrawn by the Board on December 8, 1942; and

WHEREAS, the applicant requested a reopening and restoration to the calendar; and

WHEREAS, this case was reopened by vote of the Board on May 4, 1943 and restored to the calendar; and

WHEREAS, the applicant has filed a decision of the borough superintendent on amendment to B. N. 369-43, dated March 30, 1943, which reads:

"3. Chairs are required to be secured, together as units of at least 5 chairs so as to maintain at all times minimum aisle widths of 3 ft. where aisles begin and increasing in width toward the exits in a ratio of 1½ in. to 5 running feet. Also all other requirements of C26-274.0 should be complied with. Single and unattached seats are in violation of said section. Reconsideration denied."

and

WHEREAS, the applicant states that the building is 9 stories (120 ft.) in height; 125 ft. by 197.6 ft. in area; of Class 1 construction; equipped with a sprinkler system and standpipe system; erected in 1901; located in an unrestricted use district and occupied: cellar, boiler room, lounge, kitchen, toilets and cloak room, 50 persons; first floor, ballroom, 2,500 persons; first balcony, 592 persons; second balcony, 587 persons; third floor, office, 25 persons; fourth floor, office and meeting rooms, 125 persons; fifth floor, meeting rooms, 180 persons; sixth floor, meeting rooms, 200 persons; seventh floor, assembly hall and ballroom, 1,200 persons; eighth floor, balcony lounge, 75 persons; ninth floor, kitchen, 25 persons; that no change in use or occupancy is proposed; and

WHEREAS, the applicant contends that the requirement that chairs in each of the ballrooms should be securely tied together in units of at least 5 chairs, creates a hardship; that the ballrooms are frequently used for banquet purposes

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and if the chairs are tied together they will be unavailable for banquet purposes; that the untied chairs create no hazard to life or limb, as they are piled up and placed in inconspicuous parts of the rear of the ballrooms when not in use.

Resolved, that the decision of the borough superintendent, acting on amendment to B. N. 369-43, be and it hereby is *affirmed* and that the appeal be and it hereby is *denied*.

723-42-A

APPLICANT—Roy Clinton Morris, for Anna Lavino, owner (Angela Contessa, lessee).

SUBJECT—Application reopened and restored to calendar, May 4, 1943—Appeal from a decision of the borough superintendent (previously withdrawn).

PREMISES AFFECTED—330 East 51st street, south side, 138 ft. 9 in. west of First avenue (Block 1343, Lot 40), Borough of Manhattan.

APPEARANCES—

For Applicant: Roy Clinton Morris and John B. Coppola.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (723-42-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 330 East 51st street, south side, 138 ft. 9 in. west of First avenue (Block 1343, Lot 40), Borough of Manhattan, was withdrawn on January 26, 1943; and

WHEREAS, the applicant requested a reopening and restoration to the calendar; and

WHEREAS, this case was reopened by vote of the Board on May 4, 1943 and restored to the calendar; and

WHEREAS, the decision of the borough superintendent on P. and D. Applic. 440-40, dated September 9, 1943, reads:

"Amendment disapproved.
File easement for this installation."

and

WHEREAS, said decision was issued on an amendment filed August 25, 1942, which reads:

"Reconsideration respectfully requested to accept existing house drain to remain which drains through premises 328 as originally installed when buildings were built."

and

WHEREAS, the applicant states that the building is two stories and basement (38 ft.) in height, 18 ft. 9 in. by 40 ft. in area, of Class 3 construction, located in a residence use district, erected in 1892 and occupied as a one-family dwelling; proposed to be occupied as a two-family dwelling; and

WHEREAS, violation 5613-42 was issued June 24, 1942, in that house sewer has not been provided to connect to public sewer in street for new plumbing installed, which is more than 50% of entire plumbing in premises—contrary to C26-1220.0 and C26-1225.0 of the Administrative Code and directing that work conform to approved plans or approval secured by filing an amendment for the work as done; and

WHEREAS, the applicant contends that the building is one of a row which were built with a common house sewer draining into the public sewer; that a new bath and kitchen have been added requiring slightly more than 50% new plumbing; that due to the fact that this building is still a private residence, that only slightly over 50% new plumbing has been added; that the cost of providing a new sewer with trap, vent, etc., would be an undue hardship on the lessee and an unnecessary use of materials needed for war production, it is requested that the Board permit the acceptance of existing conditions; and

WHEREAS, the applicant states that this appeal was withdrawn on the applicant's request to search the records of the Office of the Register of New York County for an easement covering the sewer in question; and

WHEREAS, the applicant has notified the Board that no such easement is in existence and has therefore requested the Board reopen and restore the appeal to the calendar.

Resolved, that the decision of the borough superintendent acting on amendment of August 25, 1942 in connection with P. and D. Applic. 440-40, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall not be increased in height or area; that in all other respects, the building and occupancy and plumbing and drainage shall comply with all laws, rules and regulation applicable thereto, and *granted* only so long as the house drain is maintained with connection to the street sewer through the adjoining premises to the satisfaction of the borough superintendent.

70-43-A

APPLICANT—Isidore Nathanson, for Willoughby Bed Spring Co., lessee, for B. Kamenetsky, owner.

SUBJECT—Appeal from a decision re an order of the fire commissioner.

PREMISES AFFECTED—745-747 Van Sinderen avenue (749-751 displayed), east side, 140 ft. north of Linden boulevard (Block 3865, Lot 2), Borough of Brooklyn.

APPEARANCES—

For Applicant: Isidore Nathanson and George Rosen.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (70-43-A)

WHEREAS, Isidore Nathanson doing business as Willoughby Bed Spring Company, lessee, for B. Kamenetsky, owner, filed February 17, 1943, an appeal from an order of the fire commissioner, affecting premises 745-747 Van Sinderen avenue (749-751 displayed), east side, 140 ft. north of Linden boulevard (Block 3865, Lot 9), Borough of Brooklyn; and

WHEREAS, Order 92217-LC, issued by the fire commissioner June 16, 1942, and repeated in a decision of the fire commissioner dated February 16, 1943, reads:

"1. Remove stove from the above premises since the heating of building by any method other than by steam or hot water circulating system is not permitted on the same premises where the process of spraying, dipping or immersing, using flammable paints, varnishes, lacquers or any other inflammable substances, mixtures or compounds that are commonly used in connection therewith. Rule 1.3.3, Spray Rules.

6. Provide a double walled metal cabinet for the storage of more than 20 gallons of spraying material but not exceeding 100 gallons. Said cabinet must be ventilated direct to outer air. Rule 6.1.2, Spray Rules.

7. Discontinue the maintenance of any open flames or sparking device within floor area where spray coating is carried on or separate said open flames or sparking device by partitions constructed of fireproof or fire-resisting material, Rule 6.1.8, Spray Rules.

8. Provide sprinkler heads installed in accordance with the sprinkler rules of the Board of Standards and Appeals, in all spray, dipping or immersing spaces and storage rooms. Rule 6.3, Spray Rules. Note: In non-sprinklered buildings, sprinkler connection may be made to the house water supply."

and

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WHEREAS, the applicant states the building is one story (13 ft.) in height, 45 ft. by 80 ft. in area; of Class 3 construction; erected 1923; located in an unrestricted use district and used and occupied for the renovating of bed springs, five persons; and

WHEREAS, the applicant contends that due to existing war conditions, the metal cabinets required by Item 6 of the order, cannot be procured and for the same reason, Items 7 and 8 cannot be complied with; and

WHEREAS, the applicant contends as to Item 1 of the order, that the building has no source of heat and therefore during the winter months it is necessary to use a pot belly stove; that the spray booth is located 17 ft. from the nearest point of a bake oven; that this oven is constructed with 8 in. brick walls and metal self-closing door; that the pot belly stove is 20 ft. from the spray booth; that therefore it would be an extreme hardship to comply with the order of the fire commissioner, as the necessary materials cannot be obtained for the duration of the war.

Resolved, that Order 92217-LC of the fire commissioner be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the stove shall be removed from the premises and some other method of heating employed; that the spray booths shall comply with all requirements therefor; that the bake oven shall be maintained to the satisfaction of the fire commissioner and vented to the outer air; that gas shut-offs, satisfactory to the fire commissioner, shall be maintained; that no more than 25 gallons of paint shall be maintained on the premises and that such paint shall be stored within the metal cabinet proposed; that in all other respects, the requirements of Order 92217-LC shall be complied with as well as all other laws, rules and regulations applicable to the use and occupancy of the building.

119-43-A

APPLICANT—Union Chair Co., Inc., lessee, for B. Kamenetsky, owner.

SUBJECT—Appeal from decisions re an order of the fire commissioner.

PREMISES AFFECTED—735-745 Van Sinderen avenue (739-749 displayed), east side, 140 ft. north of Linden boulevard (Block 3865, Lot 9), Borough of Brooklyn.

APPEARANCES—

For Applicant: George Rosen.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4

THE RESOLUTION (119-43-A)

WHEREAS, Union Chair Co., Inc., for B. Kamenetsky, owner, filed March 18, 1943, an appeal from decisions and an order of the fire commissioner, affecting premises 735-745 Sinderen avenue (739-749 displayed), east side, 140 ft. north of Linden boulevard (Block 3865, Lot 9), Borough of Brooklyn; and

WHEREAS, Order 93312-LC issued by the fire commissioner, dated October 27, 1942, and repeated in a decision of the fire commissioner, dated December 28, 1942, reads:

"You are hereby notified that an inspection of the above premises used to store lacquers, thinners and paints shows that the following must be done before the permit requested by you can be issued:

2. Provide sprinkler heads, installed in accordance with the sprinkler rules of the Board of Standards and Appeals in all spray, dipping or immersing spaces and storage rooms. Rule 6.3, Spray Rules."

and

WHEREAS, the applicant states the building is one story (13 ft.) in height, 75 ft. front by 90 ft. in depth of Class 3

construction; erected in 1923; located in an unrestricted use district and used for the assembly and finishing of tables and chairs, 14 persons; and

WHEREAS, the applicant contends that, due to existing conditions, it is unable to obtain the necessary materials to comply with the requirements of the order and requests the modification of the order or a stay of compliance be issued for the duration of the war.

Resolved, that Order 93312-LC of the fire commissioner be and it hereby is *affirmed* and that the appeal be and it hereby is *denied*.

123-43-A

APPLICANT—Sidney L. Strauss, for Pershing Square Building Corp., owner (American Air Lines, lessee).

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—121-135 Park avenue, 100 East 42nd street, southeast corner and 101 East 41st street (4th floor); Block 1296, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: Sidney L. Strauss.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (123-43-A)

WHEREAS, Sidney L. Strauss, for Pershing Square Building Corporation, owner (American Air Lines, lessee), filed March 22, 1943, an appeal from a decision of the borough superintendent, affecting premises 121-135 Park avenue, 100 East 42nd street, southeast corner, and 101 East 41st street (4th floor); (Block 1296, Lot 1), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent dated March 5, 1943 on B. N. 340-43, reads:

"Wood railings, wood partitions 7 ft. high paneled wood and glass partitions, railings, etc., as shown on plan are contrary to 10.9.2.5 B.C. as building exceeds 150 ft. in height. Wood, if used, should be treated to render it fire resistive."

and

WHEREAS, the applicant states that the building is 24 stories, and basement (309 ft.) in height; 197.5 ft. by 125.5 ft. in area; of Class 1 construction; erected 1921; located in a business use and retail use district and used as follows: subcellar, mechanical equipment; cellar, restaurant, 50 persons; 1st floor, restaurant and stores, 100 persons; 2nd floor, bank, 150 persons; 3rd floor, offices, 171 persons; 4th floor to 7th floors, offices, 180 persons each; 8th to 19th floors, offices, 176 persons each; 20th floor, offices, 180 persons; 21st and 22nd floors, offices, 180 person each; 23rd floor, offices, 166 persons; 24th floor, offices, 160 persons; roof and mezzanine, 25 persons; and

WHEREAS, Violation No. 2399-43 was issued March 9, 1943, for erecting partitions in store 103 East 41st street and on 4th floor without obtaining a permit; and

WHEREAS, the applicant contends that the borough superintendent took exception to the wood railings and 7 ft. height wood and glass partitions and required that they should be treated to render them fire resistive; that the American Air Lines are occupying the 4th floor for a temporary period; that the total area of offices enclosed by wood and glass partitions is approximately 1,860 sq. ft. and the total length of the low wood rails is approximately 145 sq. ft.; that the total area of the fourth floor is approximately 21,400 sq. ft., so that a comparatively small portion of the floor is divided by the affected wood and glass partitions; that the occupancy of this floor by the American Air Lines will

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not extend beyond October 1, 1943, pending the renovation of their permanent quarters on the 14th floor, and it is therefore requested that the Board permit the partitions in question for a temporary period not extending beyond October 1, 1943.

Resolved, that the decision of the borough superintendent acting on B. N. Application 340-43, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that all railings and partitions for which permits have not been issued, shall be removed within three (3) months from the date of this resolution and only so long as the premises on the fourth floor are temporarily occupied by the American Air Lines.

134-43-A

APPLICANT—P. A. Cunnius, for Eight Combined Corporation, owner (W. T. Grant Co., lessee).

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—1011-1013 Beach 20th street (rear), west side, 102 ft. north of Cornage avenue and 1018-1020 Beach 21st street, east side, 143 ft. 6 in. north of Cornaga avenue (Block 212, Lots 1 and 9), Far Rockaway, Borough of Queens.

APPEARANCES—

For Applicant: P. A. Cunnius and F. J. Sumner.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (134-43-A)

WHEREAS, P. A. Cunnius, for W. T. Grant Company, lessee, Eight Combined Corporation, owner, filed on March 23, 1943, an appeal from an order of the fire commissioner, affecting 1011-1013 Beach 20th street (rear) west side, 102 ft. north of Cornaga avenue, and 1018-1020 Beach 21st street, east side, 143 ft. 6 in. north of Cornaga avenue (Block 212, Lots 1 and 9), Far Rockaway, Borough of Queens; and

WHEREAS, Order 10049-LF, issued by the fire commissioner March 4, 1943, reads:

"1. Provide a fixed fire extinguishing system or other means for the extinguishment of fire satisfactory to the fire commissioner. C19-161.0 Administrative Code."

and
WHEREAS, the applicant states the building is basement and 2 stories (29 ft. 6 in.) in height; 128 ft. front on Beach 20th street; 149 ft. 1½ in. on Beach 21st street; of Class 3 construction; erected 1927; located in a business use district and used as follows: cellar, storage of merchandise, 4 persons; 1st floor, retail sales space, 25 persons; 2nd floor, offices; and

WHEREAS, the applicant contends that to comply with the order, would necessitate the purchase of pipe, sprinkler heads and mechanical equipment which is not available due to War Production Board restrictions and it is therefore requested that the Board permit the installation of additional fire extinguishers and water buckets, in lieu of compliance with the order for the duration of the war, after which time, a sprinkler system similar to that now installed in the adjoining portion of the premises, will be installed.

Resolved, that Order 10049-LF of the fire commissioner be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to objection 1, *on condition* that during the term of the present war emergency, the space shall be arranged substantially as indicated on revised plans marked "Received July 22, 1943"; that the wet and dry sprinkler systems in the main portion of the basement as described shall be maintained and that in the balance of the basement, the division walls shall be maintained as shown and in such space, such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that in such

spaces no storage of excelsior or storage of unpacking materials shall be carried on and as far as practical, only such merchandise shall be stored that is of a non-inflammable nature; that the exits from the cellar as indicated, shall be maintained; that there shall be installed within the first floor construction of the portion over the addition to the basement, at least two (2) manholes for fire-fighting purposes, such manholes to be not less than 12 in. by 12 in. and spaced as the fire commissioner shall direct.

186-43-A

APPLICANT—Robert Jacob, Inc., owner.

SUBJECT—Appeal from an order and decisions of the fire commissioner.

PREMISES AFFECTED—154 Pilot street, north and south sides, between City Island avenue and Long Island Sound (Block 5640, Lot 18, and Block 5641, Lot 90), Borough of The Bronx.

APPEARANCES—

For Applicant—James R. Geraghty.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (186-43-A)

WHEREAS, Robert Jacob, Inc., applicant and owner, filed April 21, 1943, an appeal from an order and decisions of fire commissioner, affecting premises 154 Pilot street, north and south sides, between City Island avenue and Long Island Sound (Block 5641, Lot 90 and Block 5640, Lot 18), Borough of The Bronx; and

WHEREAS, Order 14534-LF issued by the fire commissioner May 13, 1942, reads:

"YOU ARE HEREBY ORDERED AND REQUIRED, within 30 days from the date of the service of this order, to:

1. Provide a yard hydrant system as per C26-1428.0 with a 1,000 gallon per minute pump.

2. Install an approved wet automatic sprinkler system in the buildings used for woodworking shops."

and

WHEREAS, the decision of the fire commissioner dated February 4, 1943, reads:

"In reply to your request for reconsideration on Items 1 and 2 of Order 14534-LF, you are advised that the 3-inch salt water line and 1½-inch hose outlets cannot be accepted in lieu of a yard hydrant system as described in the Administrative Code Chapter 26 and the proposed concrete block wall with protected openings in the woodworking shop is not equal in protection as the automatic sprinkler system required in the Order."

and

WHEREAS, the decision of the fire commissioner dated March 26, 1943, reads:

"In reply to your request for reconsideration on Order 14534-LF, pending against the above premises, you are advised as follows:

Item 1 requires a yard hydrant system throughout the shipyard as described by 1428.0, Chapter 26, Adm. Code. The existing small pipe sizes and hose outlets provided for yard protection is considered inadequate.

Item 2 requires an approved wet automatic sprinkler system in the building used for wood working. This item refers to the buildings numbered 2 and 4 and without the required fire extinguishing systems are considered fire hazards.

Your request must therefore be denied. You are also advised that a separate source of water supply other

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than a connection to a yard hydrant system must be provided for the automatic sprinkler systems." and

WHEREAS, the applicant states the premises consist of a plot approximate 5.8 acres in area, located in an unrestricted district, upon which there exists a group of buildings of Class 3, 4 and 5 construction; erected prior to 1916 and 1917 to 1930 and used throughout as a shipyard since October 2, 1875; and

WHEREAS, the applicant contends as to item 1 of the fire commisisoner's order, that the fire commissioner has ordered the owner to provide a yard hydrant system, as per Section C26-1428.0, with a 1,000 gallon per minute pump; that Section C26-1428.0 provides that the installation in question is a matter of discretion to be exercised by the borough superintendent; that the fire commissioner is not the person in whom authority is vested to direct the installation sought herein; that the applicant is engaged in building ships for the U. S. Navy and installation of the yard hydrant system would seriously interfere with the construction of vessels now being built in the yard; that the U. S. Navy found the existing installations and safeguards acceptable; that the existing fire-fighting equipment is adequate for the conditions present in the yard; that there are 14 hose outlets located throughout the yard, averaging approximately $\frac{1}{2}$ in., with hose attachment of $1\frac{1}{2}$ to $2\frac{1}{2}$ inches, seven of these outlets are on line fed from the city water supply, which consists of a 6-inch main, and the balance are salt water outlets hooked up to a pump, which draws from Long Island Sound, all as indicated on plans filed with this appeal; that there is a city fire hydrant connected to a 6-inch main located within the yard and another fire hydrant connected to the same main a few feet outside the yard gate; that there are three fire hydrants connected to two 12-inch city mains on City Island avenue in front of the premises; that the U. S. Coast Guard maintains a fire boat on City Island and a trailer pump mounted on a mobile unit located one-quarter of a mile from the premises; that the owner maintains a fire brigade, recruited from the shipyard workers; that 22 guards who are armed members of the Coast Guard, coming under the U. S. Navy, maintain a 24-hour watch on the shipyard; that in addition thereto, three watchmen maintain a 24-hour watch of the premises; and

WHEREAS, the applicant contends as to Item 2 of the fire commissioner's order, that in Bldg. No. 4 there are two 50-ft. hose lines with $\frac{1}{2}$ -inch outlets; in addition there are numerous fighting appliances including extinguishers, water buckets, sand pails, etc.; in Bldg. No. 2 there are similar numerous fire-fighting appliances; that the required installation of a sprinkler system and the yard hydrant system would entail the use of critical materials which presents an insurmountable obstacle for compliance with the order.

Resolved, that Order 14534-LF of the fire commissioner, be and it hereby is modified, and that the appeal be and it hereby is *granted* as to objection 1, for the term of the present emergency, *on condition* that there shall be maintained adjacent to the easterly hydrant on the 6-in. extension in Pilot street of the 12-in. city water main in City Island avenue, an exterior hose house, complying with the requirements of the Administrative Code therefor and containing at least 200 feet of $2\frac{1}{2}$ -in. rubberlined hose and play pipe and equipped with the necessary wrenches; that the protection from the Coast Guard fire board and Coast Guard trailer pump, as proposed, and the trailer pump recently installed by the owner, shall be maintained; that a plant fire brigade shall be maintained and trained for use of the available equipment for fire-fighting; that three watchmen for 24-hour continuous service shall be maintained; that portable fire-fighting appliances as described and as may be required by the fire commissioner shall be maintained; that in all other respects, the buildings, premises and operations shall comply with all laws, rules and regulations applicable thereto; and *denied* as to objection 2, requiring sprinkler systems in woodworking buildings 2 and 4.

299-43-A

APPLICANT—Integral Design and Development Co., for Antonie Murray, owner (A. B. Murray Co., Inc., lessee).

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—145-165 Wolcott street, south side, 125 ft. west of Conover street (Block 574, Lot 12), Borough of Brooklyn.

APPEARANCES—

For Applicant: A. Weisselberg.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (299-43-A)

WHEREAS, Integral Design and Development Company, for Antonie Murray, owner (A. B. Murray Company, Incorporated, lessee), filed June 23, 1943, an appeal from an order of the fire commisisoner, affecting premises 145-165 Wolcott street, south side, 125 ft. west of Conover street (Block 574, Lot 12), Borough of Brooklyn; and

WHEREAS, order 94929-LC, issued by the fire commissioner May 20, 1943, reads:

"You are hereby notified that an inspection of the above premises used to store paints, shows the following must be done before the permit requested by you can be issued:

1. Provide a separate exterior storage building of fireproof or fire-resisting material with ventilated plain glass skylight or a storage room constructed fireproof in a fireproof building or fire-resisting in a non-fireproof building for the storage of spray material in excess of 100 gallons. Rule 6.1.3. Spray Rules.

2. Discontinue the use of unapproved spraying machinery and equipment. C-19-11.0, Administrative Code.

3. Discontinue the maintenance of any open flame (acetylene welding and coal stove) within floor area where spray coating is carried on, or separate said open flames or sparking device by partitions constructed of fireproof or fire-resisting material. Rule 6.1.8, Spray Rules."

and

WHEREAS, the applicant states that the building is one story (30 ft.) in height, 220 ft. by 92 ft. in area; of Class 3 construction; erected prior to 1915; located in an unrestricted use district and used for the manufacturing of portable pipe line sections, 31 persons average; and

WHEREAS, the applicant contends that on June 15, 1943, amended application was submitted to the Fire Dept., to store no more than 100 gallons of paints; that except when placed in feeding tanks, paints remain in original metal shipping drums; that no mixing or thinning of paints is conducted on the premises and no other combustible materials are stored; and

WHEREAS, the applicant contends as to Item 2 of the order, that the paint spraying system is of a special design, which provides ample exhaustion of the spray formed, directly under the tubes to which the paint is applied; that at no time do any of the vapors or spray pass through any section of the room; that the exhaust system, consisting of standard approved units is so synchronized with the spraying machine, that the spray machine cannot be used without the exhaust system being in operation; and

WHEREAS, the applicant contends as to Item 3 of the order, that a distance of 40 ft. is maintained between the space where the spray coating is carried on and any sparking or arc welding equipment; that the entire system and all equipment are properly maintained by men having cer-

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tificates of fitness and the system is cleaned regularly twice a week; that sand piles are provided to cover up any accidental drippings; that Pyrene extinguishers are provided at either end of the spraying unit and a special fire brigade is maintained and drills conducted regularly; that only steel is stored and handled in this building; that all of the equipment used in conjunction with the spraying is explosion-proof; that the exhaust system has a capacity of 4,000 cu. ft. per minute, furnishing an air movement of 300 linear ft. per minute in the breathing zone of the operators and two spray heads are employed; that never more than one day's supply of paint is stored and the equipment is maintained with great care.

Resolved, that Order 94929-LC of the fire commissioner be and it hereby is *modified* and that the appeal be and it hereby is *granted*, as to objection 1, *on condition* that not more than 100 gallons of paint spraying materials shall be maintained within the factory; that such materials shall be in their original containers, except those necessary for the processing of pipe in hand; as to Objection 2, that the spraying machinery and equipment as described, may be continued so long as it is used as described and safeguards as outlined are maintained to the satisfaction of the fire commissioner; as to objection 3, that the electric welding employed in connection with the pipe shall be at a distance of at least 30 feet from where the spraying of pipe is carried on; that the acetylene welding and coal stove shall be removed at least 150 feet from the spraying and shall be enclosed in partitions of incombustible material not less than 10 feet in height; that this variance is granted only for the duration of the existing emergency; that such portable fire-fighting extinguishers as are proposed and as may be required by the fire commissioner shall be maintained.

306-43-S

APPLICANT—Abram Rosenberg, for F. L. Smithe Machine Co., Inc., owner.

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—645 West 44th street, northeast corner of 12th avenue (Block 1092, part of Lot 7), Borough of Manhattan.

APPEARANCES—

For Applicant: Abram Rosenberg.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (306-43-S)

WHEREAS, Abram Rosenberg, for F. L. Smithe Machine Company, Inc., owner, filed June 22, 1943, an application for variation of the requirements of the labor law as cited in a decision of the borough superintendent, affecting premises 645 West 44th street, northwest corner 12th avenue (Block 1092, part of Lot 7), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent dated June 4, 1943, reads:

"Your letter of June 1st requesting permission to install panic bolts on all fire exits so constructed that the exits will be locked on the sides going up, and open on the sides going down has been received.

In reply you are advised that panic bolts are not permitted on any fire exits under sec. 272 of the Labor Law and our Inspector reports upon inspection that the premises in question are occupied as factory. Your request is therefore denied."

and

WHEREAS, the applicant states the building is 5 stories (65 ft.) in height, 181 ft. 5 in. by 125 ft. 10 in. in area; of Class 1 construction; erected 1923; located in an unrestricted use district and used and occupied as follows: cellar, boiler room, storage, manufacturing, 20 persons; 1st floor, stores, shipping department and driveway, 10 persons; mezzanine, wash room and lockers; 2nd floor, newspaper printing, 75 persons; 3rd floor, etching, plating and photo-engraving, 75 persons; 4th floor, machine shop, 150 persons; 5th floor, assembly shop and office, 156 persons; that the building is equipped with an approved one-source sprinkler system, standpipe system, fire alarm system and fire drills are maintained; that there are three 44-in. fire-proof stairs extending from roof to street; that Certificate of Occupancy 7375 issued in 1923, permits the use of the building as stated, except that the basement is limited to boiler room and storage, 10 persons; and

WHEREAS, the applicant contends that with the exception of the first, second and westerly portion of the third floors, the building is being occupied for the manufacture of appliances for the armed forces; that in order to prevent sabotage the Headquarters Metropolitan District, Second Service Command of the U. S. Army, has directed the installation of panic bolts on the various stairways; that in order not to interfere with entrance on the first, second and westerly portion of the third floors, which are leased to other tenants, and it is not possible to install panic bolts on the entrance to the building at the street level; that it is therefore proposed to install panic bolts as indicated on drawings submitted with this application as follows: basement, panic bolts on door to stairway No. 1 and stairway No. 2. Stairway No. 3 is to be controlled at the first floor; that on the first floor, it is proposed to install a panic bolt to door to stairway No. 3; that no panic bolt will be installed at stairway No. 1, since this stairway serves tenants on the 2nd floor and 3rd floor and no panic bolts will be installed on door to stairway No. 2, since this stairway serves the tenants on this floor; that on the 3rd floor, it is proposed to erect wire mesh partitions with wire mesh doors to afford exit to stairway No. 1 and 3 with panic bolts on these doors, thereby guarding entry from these stairways to the portion of the third floor where war materials are being manufactured; that on the intermediate landing of stairway No. 2 between second and third floors, it is proposed to erect wire mesh partitions with wire mesh door and panic bolts to control entry from this stairway to any portion of this floor and the upper floors; that on the 4th floor intermediate landings at Stairways Nos. 1 and 3 it is proposed to erect wire mesh partitions and wire mesh doors with panic bolts to control both the 4th and 5th floors; that on the 5th floor no panic bolts will be installed, as all of the entrances from stairways have been guarded; that on the mezzanine story between 1st and 2nd floors, used entirely for locker and wash rooms, it is proposed to install a panic bolt on door to stairway No. 1; that the other opening to the west of this door will be locked; that it is necessary for proper production to have direct and free access between the 4th floor and 5th floor and it is not proposed to place panic bolts on doors to these stairways, hence the wire partitions and doors will be placed on the landings below the 4th floor level, as previously described and as indicated on plans filed with this application; and

WHEREAS, the applicant has filed a copy of the recommendations of the U. S. Army Plant Security Officer, that approved panic bolts shall be installed on doors leading to exits, etc.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the borough superintendent dated June 4, 1943, and that the application be and it hereby is *granted on condition* that the panic bolts shall be installed only in such doors as are indicated on the plans filed with this appeal; that such panic bolts shall be of approved type; that panic bolts may be also installed on doors to stairways on such floors where grill doors are proposed at the

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intermediate landings between floors, provided no such grill doors on intermediate landings are constructed; that the sprinkler system, standpipe system, fire alarm system and fire drills shall be maintained to the satisfaction of the fire commissioner; that this variance is granted only during the term of the present emergency; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

309-43-A

APPLICANT—Charles Dupuy, d/b/a Odac Manufacturing Co., lessee, for Kent Broadway Corporation, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—65-71 Clymer street, north side, 200 ft. west of Wythe avenue (1st floor); (Block 2167, Lot 18), Borough of Brooklyn.

APPEARANCES—

For Applicant: Charles Dupuy.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (309-43-A)

WHEREAS, Charles Dupuy, doing business as Odac Manufacturing Company, lessee, for Kent Broadway Corporation, owners, filed June 24, 1943 an appeal from an order of the fire commissioner, affecting 65-71 Clymer street, north side, 200 ft. west of Wythe avenue (1st floor); (Block 2167, Lot 18), Borough of Brooklyn; and

WHEREAS, Order 94968-LC, issued by the fire commissioner May 26, 1943, reads:

"You are hereby notified that an inspection of the above premises, used to store and use essential oils, etc., shows that the following must be done before the request by you can be issued:

1. Discontinue the manufacture of combustible mixtures 'Odac Fly Spray and Bed Bug Fluid', 'Odac Fresh Air', 'Odac Pine Oil' since no combustible mixtures can be manufactured in any building where other materials of an inflammable nature are manufactured, stored or sold (Paper boxes, toys, wood spraying) C19-59.0-a-6, Administrative Code."

and

WHEREAS, the applicant states that the building is six stories (70 ft.) in height; 100 ft. by 60 ft. in area; of Class 2 construction; equipped with a sprinkler system and standpipe system erected prior to 1916; located in an unrestricted use district and used: 1st floor, manufacturing deoderants, 7 persons; 2nd floor, manufacturing signs, 5 persons; 3rd floor, manufacturing polishes, 40 persons; 4th floor, cleaning of cans, 12 persons; 5th floor, manufacturing toys, 10 persons; 6th floor, manufacturing furniture, 3 persons; and

WHEREAS, the applicant contends the building is equipped with a sprinkler system; that the 1st floor is equipped with metal ceiling, concrete floor, brick walls and fire pails; that great care is exercised in the handling of all materials and that there are no open flames of any kind used in the factory operations and there is no smoking permitted on the premises; and

WHEREAS, the construction of the building is Class 3 construction, not Class 2 construction as stated by applicant.

Resolved, that the order of the fire commissioner, Order 94968-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that the sprinkler system and portable fire fighting appliances shall be maintained to the satisfaction of the fire commissioner and *granted* only so long as the conditions are maintained substantially as set forth.

314-43-A

APPLICANT—Slater Electric and Manufacturing Co., lessee, for The Long Island Railroad Co., owner.

SUBJECT—Appeal from a decision re an order of the fire commissioner.

PREMISES AFFECTED—718-728 Atlantic avenue, south side, 275.2 ft. west of Carlton avenue (Block 1120, Lot 28); (2nd floor), Borough of Brooklyn.

APPEARANCES—

For Applicant: E. B. Saul.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (314-43-A)

WHEREAS, Slater Electric and Manufacturing Company, lessee for Long Island Railroad Company, owner, filed June 25, 1943, an appeal from an order of the fire commissioner, affecting 718-728 Atlantic avenue, south side, 275.2 ft. west of Carlton avenue (Block 1120, Lot 28), Borough of Brooklyn; and

WHEREAS, Order 93915-LC, issued by the fire commissioner January 29, 1943, and repeated in a decision of the fire commissioner dated June 24, 1943, reads:

"You are hereby notified that an inspection of the above premises, used to store and use Pyrofax gas, oxygen and hydrogen, shows that the following must be done before the permit requested by you can be issued.

10. Discontinue the use of hydrogen gas in any room in premises wherein open flames are maintained. C-19-11.0 Adm. Code."

and

WHEREAS, the applicant states the building is 6 stories (100 ft.) in height, 137 ft. by 100 ft. in area; of Class 3 construction; equipped with a sprinkler system; erected about 1885; located in an unrestricted use district and used as follows: cellar, building maintenance and stock room, 5 persons; 1st floor, manufacturing incandescent lamps and electronic tubes, 43 persons; 2nd floor, same, 150 persons; 3rd floor, same, and manufacturing dresses and tags, 45 persons; 4th floor, manufacturing hats and smoking pipes, 40 persons; 5th floor, manufacturing robes and wooden boxes, 28 persons; 6th floor, manufacturing dolls and dresses and coats, 23 persons, for which no certificate of occupancy has been issued; and

WHEREAS, the applicant contends that the hydrogen is used in approved gas manifold manufactured by the Air Reduction Sales Company, to which the cylinders of hydrogen are attached; that the manifold is equipped with an over-pressure release diaphragm which discharges outside of the building; that it is also equipped with low pressure alarm, which indicates when cylinders require replacement; that pressure dropping regulators are attached to the manifold to reduce the tank pressures to the operating line pressures of about 10 lbs. per sq. in.; that the gas is piped to the furnaces where a line regulator further drops the pressure to about 3 lbs. per sq. in. at which pressure it is fed into the oven; that the hydrogen is discharged through an orifice to free air, forming a small flame, so that no hydrogen gas as such is released into the room; that this system has been in use in the industry for over 30 years without any damage; that it is impossible to comply with the fire commissioner's order, since the basic principles of operation of the furnace require that the hydrogen at the end of its use, terminate in an open flame; that any other equipment using open flames will be removed a distance of 15 ft. from the ovens; that the room in which the hydrogen is used is equipped with a mechanical exhaust system having a capacity of approximately 4,000 cu. ft. per minute, which will change the air in the room about once every five minutes:

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that the hydrogen is also used on the 3rd floor for flashing or forming flasks which is basically a chamber in which hydrogen is flowing and so arranged that the hydrogen enters from the top and emerges from the bottom; that into this chamber, tungsten filaments of radio tubes are inserted and lit in the hydrogen for the purpose of cleaning; that over this equipment it is proposed to install an exhaust system with approximately 500 cu. ft. per minute capacity discharging outside of the building and that in this room there will be no open flames within 20 ft. of the flasks.

Resolved, that the decision of the fire commissioner on Order 93915-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the use of hydrogen be restricted to the spaces as indicated on the plans filed with this appeal; that such hydrogen shall be in containers approved by the Interstate Commerce Commission; that they shall be attached by means of substantial iron straps; that the connection from same to the furnace shall be securely made and supported to the satisfaction of the fire commissioner; that in all other respects, the equipment shall be maintained substantially as proposed and to the satisfaction of the fire commissioner; that the sprinkler system shall be maintained in accordance with the requirements therefor, and in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

322-43-A

APPLICANT—Oakite Products, Inc., lessee, for Bush Terminal Buildings, Co., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—34 35th street, south side, 260 ft. west of Third avenue (Block 691, Lot 1); (Building 4, 1st floor), Borough of Brooklyn.

APPEARANCES—

For Applicant: Harold F. Cunningham and Clinton M. Burbank.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (322-43-A)

WHEREAS, Oakite Products, Inc., lessee, for Bush Terminal Building Company, owner, filed June 7, 1943, an appeal from an order of the fire commissioner, affecting premises 34 35th street, south side, 260 ft. west of Third avenue (Building No. 4, 1st floor); (Block 691, Lot 1), Borough of Brooklyn; and

WHEREAS, Order 94911-LC, issued by the fire commissioner May 20, 1943, reads:

"You are hereby notified that an inspection of the above premises used to manufacture combustible mixture (Oakite Composition No. 9) shows that the following must be done before the permit requested by you can be issued.

FORTHWITH

1. Reduce quantity of Savasol No. 6 and Kerosene Oil to 2 drums. Or provide an approved type buried storage system for storage of same. C-19-11.0, Administrative Code.

2. Label each container of Oakite Composition No. 9 giving the name and address of manufacturer and the number of the original permit and in large letters the words 'Caution Combustible Mixture.' C-19-59-c, Administrative Code."

and

WHEREAS, the applicant states the building is 6 stories (82 ft.) in height; 200 ft. by 700 ft. in area; of Class 1

construction; equipped with a sprinkler system and standpipe system; erected 1907; located in an unrestricted use district and used throughout as a factory; and

WHEREAS, the applicant contends that under normal conditions, not more than 2 drums of Savasol No. 6 or kerosene are stored on the premises; that under present war time conditions, a steady supply in the required quantities of Savasol No. 6 or kerosene cannot be obtained and the applicant is compelled to accept shipment in such quantities and at such times as they are able to secure materials and as a consequence it is now required to accept larger shipments often and in some cases to hold the material awaiting the arrival of other necessary materials before the finished product can be manufactured; that the Oakite composition No. 9 in which Savasol No. 6 and kerosene are used, is at present practically used exclusively by war and transportation industry; that metal tanks and parts required to comply with the order are practically impossible to obtain even with an AA-1 priority, such as has been granted to the applicant; that labor is difficult to obtain; that the installation of tanks would disrupt manufacture of at least 50% of their products; that the subsoil in the vicinity is subject to a water condition, which would make the installation of a tank difficult and subject to corrosion by salt water, and it is therefore requested that the Board eliminate the requirement for compliance with Item 1 of the fire commissioner's order at least for the duration of the war; and

WHEREAS, the applicant contends as to Item 2 of the Fire Department order, that it has been advised by the Fire Department that this item will be cancelled because of the fact that practically all of the Oakite composition No. 9 manufactured in this plant is shipped to points outside of the City of New York and none of it is used for household purposes.

Resolved, that Order 94911-LC of the fire commissioner be and it hereby is *granted* as to item 1, *on condition* that any kerosene stored on the premises, shall be in the drums as received; that such drums shall be stored within a room constructed of fireproof materials with a fireproof self-closing door; that not more than thirty (30) such drums shall be stored on the premises; that not more than two (2) such drums shall be of Savasol 5 or 6 stored on the premises and within the same room; that kerosene used for manufacturing operation shall be in full drum lots; that the Savasol as used for manufacturing operations, shall be carried in safety cans to the point where needed for such operations; that on the Savasol drums, there shall be a pump as approved by the Underwriters Laboratories or Factory Mutuals Laboratories; and, *withdrawn* as to item 2 to comply; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto and that the sprinkler system and other fire-fighting equipment shall be maintained to the satisfaction of the fire commissioner.

327-43-A

APPLICANT—Can Reclaiming Co., lessee, for Fred Simon, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—382 Metropolitan avenue, south side, 118 ft. east of Havemeyer street (Block 2369, Lot 14 and part of Lots 12, 15, 16 and 17), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0.

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THE RESOLUTION (327-43-A)

WHEREAS, Can Reclaiming Co., applicant and lessee, for Fred Simon, owner, filed June 29, 1943, an appeal from an order and decision of the fire commissioner, affecting premises 382 Metropolitan avenue, south side, 118 ft. east of Havemeyer street (Block 2369, Lot 14 and part of Lots 12, 15, 16 and 17), Borough of Brooklyn; and

WHEREAS, the applicant or his representative failed to appear at this hearing, although duly notified to do so.

Resolved, that the appeal be and it hereby is *dismissed* for lack of prosecution.

336-43-A

APPLICANT—Joseph M. Simmons, for Radbill Oil Co., owner.

SUBJECT—Appeal from a decision of the fire commissioner—re Packaging of combustible mixture known as “Renuzit” in one-gallon glass jugs (capacity of glass jugs not in conformity with Administrative Code specifications).

APPEARANCES—

For Applicant: Joseph M. Simmons.

For Administration: Insp. Matteis, Fire Dep’t.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (336-43-A)

WHEREAS, Joseph M. Simmons, for Radbill Oil Company, owner, filed July 2, 1943 an appeal from a decision of the fire commissioner relating to the packaging of “Renuzit” dry cleaner in one gallon glass jugs; and

WHEREAS, the decision of the fire commissioner dated May 29, 1943, Folder 22-243, reads:

“Please be advised that the proposal as outlined in your communication of May 18th, 1943 to package the combustible mixture known as “Renuzit” in glass jugs must be denied as being contrary to Chapter 19 of the Administrative Code.

This decision may be appealed to the Board of Standards and Appeals.”

and

WHEREAS, the applicant contends that “Renuzit,” a combustible mixture, has received certificate of approval 744 issued by the New York Fire Department and is commercially classed as a Stoddard Solvent with a flashpoint of 104.9 deg. F.; that it is proposed to package “Renuzit” in heavy-weight 45 oz. Duroglas jugs with an ample overflow capacity, each jug to be fitted with metal 38 mm. screw cap, with pulp and oil liners and caps properly threaded to fit the bottle neck threading, so as to make a tight, leak-proof seal; that these metal caps will be used until the WPB directs the use of plastic or other suitable material; that it is proposed to pack the material in question four jugs to the carton, each carton to be a double wall, 200 lb. test, corrugated container with cell dividers around each jug; that flaps of the carton will meet, so that there will be two thicknesses of heavy-weight corrugated board on the top and bottom of the carton.

Resolved, that the decision of the fire commissioner dated May 29, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted* to permit for a term of six (6) months, the packaging of “Renuzit” in glass bottles of approximately 1 gallon capacity as manufactured by the Owens-Illinois Glass Company, subject to Certificate of Approval No. 744, issued by the fire commissioner; that this variance is granted only for a temporary term of six months, pending the action by the Board on application to be filed by the manufacturers of the bottles for general approval; that the labeling shall be in accordance with the requirements of the Administrative Code therefor, and satisfactory to the fire commissioner.

348-43-A

APPLICANT—Socony-Vacuum Oil Co., Inc., owner.

SUBJECT—Appeal from an order of the fire commissioner re Packaging and storing of combustible mixtures known as: “Mobilgloss, Mobil Prewax Cleaner, Mobil Penetrating Oil, Mobil Dry Cleaner, Tavern Dry Cleaner, Sanilac Liquid Wax, Sanilac Penetrating Finish, Sanilac Super Sealer, and Sanilac Floor Dressing” in one-gallon glass jugs, Tavern Liquid Wax in one-gallon and one-half gallon glass jugs and packaging and storing of combustible mixtures known as “Tavern Floor Wax, Sanilac Paste Wax and Mobilwax” (hard), in three (3) lb. glass jars (capacity of glass jugs and glass jars not in conformity with Administrative Code Specifications).

APPEARANCES—

For Applicant: John J. Manning.

For Administration: Insp. Matteis, Fire Dep’t.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (348-43-A)

WHEREAS, Socony-Vacuum Oil Company, Inc., owner, filed on July 8, 1943, an appeal from a decision of the fire commissioner, relating to the packaging in glass containers of the following combustible mixtures: Mobilgloss, Mobil Pre-Wax Cleaner, Mobil Penetrating Oil, Mobil Dry Cleaner, Tavern Liquid Wax, Tavern Dry Cleaner, Sanilac Liquid Wax, Sanilac Penetrating Finish, Sanilac Super Sealer, Sanilac Floor Dressing, Tavern Floor Wax (paste) Sanilac Paste Wax, Mobilwax (hard), which are the subject of Permit No. B-355-295 issued by the Division of Combustibles, Fire Department Brooklyn; and

WHEREAS, the decision of the fire commissioner dated May 27, 1943 reads:

“With reference to your letter of May 20, 1943, relative to the glass containers for combustible mixtures I have to advise as follows:

It will be necessary to obtain permission from the Board of Standards and Appeals to place combustible mixtures in glass containers of one gallon capacity and in order to obtain such permission an appeal must be made to the Board.

I enclose herewith a blank application. You will please place on this application the various combustible mixtures that will be placed in these containers and jugs. As soon as we get your application we will disapprove it and you may then proceed to the Board of Standards and Appeals on the order we issue disapproving the use of the said containers.

With reference to the Tavern Floor Wax and Sanilac Paste Wax you may also include these on your application and it will also be necessary to obtain permission to place the said paste and wax in three pound glass jars.

and

WHEREAS, Order 9507-LC, issued by the fire commissioner June 21, 1943, reads:

“You are hereby notified that an inspection of the above premises, used to store and use wax, etc., shows that the following must be done before the permit requested by you can be issued:

1. Discontinue the placing of combustible mixtures in glass containers having a capacity exceeding 32 ounces. C-19-62.0-b, Administrative Code.”

and

WHEREAS, the applicant states that it is proposed to package Mobilgloss, Mobil Pre-Wax Cleaner, Mobil Penetrating Oil, Mobil Dry Cleaner, Tavern Liquid Wax, Tavern Dry Cleaner, Sanilac Liquid Wax, Sanilac Penetrating Finish, Sanilac Super Sealer, Sanilac Floor Dressing in one gallon

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glass jugs as manufactured by the Olean Glass Co. or Owens-Illinois Glass Company, each jug to be packed in an individual carton of 175 lb. test, and four of these cartons to a 200 lb. test master carton according to I.C.C. regulations; that the Tavern Liquid Wax will also be packed in a half-gallon glass jug; that in addition thereto, it is proposed to package Tavern Floor Wax (paste), Sanilac Paste Wax and Mobil Wax (hard) which are solids at room temperature in three lb. glass jars (one-half gallon); and

WHEREAS, the applicant contends that due to the issuance of War Production Board's conservation order M-81, the applicant has been compelled to package the products in question in glass containers with tight fitting metal caps with a composition lining; that each one gallon jug will be packed in a strong carton of 175 lbs. test cardboard and 4 of these cartons to a 200 lb. test double corrugated cardboard carton; that the Tavern Liquid Wax will also be packed in one-half gallon glass jugs and six of these jugs inserted in each of the 200 lb. test outer cartons; that the solid waxes will be packed in one-half gallon 3 lb. flint glass jars with an air tight metal cap having a composition lining; that these jars will be packed 6 to a 200 lb. shipping container.

Resolved, that the decision of the fire commissioner dated May 27, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* to permit the packaging of the following products: Mobilgloss, Mobil Pre-Wax Cleaner, Mobil Penetrating Oil, Mobil Dry Cleaner, Tavern Liquid Wax, Tavern Dry Cleaner, Sanilac Liquid Wax, Sanilac Penetrating Finish, Sanilac Super Sealer, Sanilac Floor Dressing, Tavern Floor Wax (paste), Sanilac Paste Wax and Mobil Wax (hard), as proposed in glass bottles of approximately one-gallon capacity and for the solid materials in glass bottles of approximately one-half gallon capacity as manufactured by the Owens-Illinois Company and the Olean Glass Company, subject to permit by the fire commissioner No. B-355-295 and in accordance with the applicant's proposal; that this variance is for a term of six months, pending action by the Board on applications by the above manufacturers of bottles for general approval; that the labeling shall be in accordance with the requirements therefor, and to the satisfaction of the fire commissioner.

353-43-A

APPLICANT—W. B. Mylchreest, for Pennsylvania Railroad Co., owner (Pennsylvania Station Flower Shop, Inc., lessee).

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—382-418 Seventh avenue, block bounded by Seventh avenue, West 31st street, Eighth avenue and West 33rd street (Block 781, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: W. B. Mylchreest.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (353-43-A)

WHEREAS, W. B. Mylchreest, for Pennsylvania Railroad Company, owner (Pennsylvania Station Flower Shop, Inc., lessee), filed July 9, 1943, an appeal from an order of the fire commissioner, affecting premises 382-418 Seventh avenue, entire block bounded by Seventh avenue, West 31st street, Eighth avenue and West 33rd street (Pennsylvania station), (Block 781, Lot 1), Borough of Manhattan; and

WHEREAS, Order 35136-LC, issued by the fire commissioner July 1, 1943, reads:

"Before a permit may be issued for you to operate or maintain a refrigerating plant, the following must be done:

1. Provide adequate window area or mechanical means for ventilating the refrigerating machinery room."

and

WHEREAS, the applicant states the building is four stories (76 ft.) in height; 416 ft. by 768 ft. in area; of Class 1 construction; erected 1910; located in a business use district; used as a railroad station, shops and offices; and

WHEREAS, the applicant contends that the flower shop in question is located at the easterly end of the Long Island Concourse adjacent to the Seventh avenue subway entrance and has an open counter for the display and sale of flowers; that for the proper storage of these flowers the refrigerator has been installed with a small compressor located behind a louvered screen in the rear of the flower shop; that the compressor is a "Copeland" model 50W.F.C. powered by a 1 H.P. motor with five lbs. of Freon as a refrigerant; that as the flower shop space is located approximately in the center of West 33rd street and 30 ft. below street level, it is impractical to extend a duct to the outer air; that there is always an ample quantity of air circulating by gravity from the track level immediately below and rising through open stairways to the street; that in view of the non-inflammable and non-irritant qualities of the refrigerant employed, it is requested that the requirement for ventilation be waived.

Resolved, that the order of the fire commissioner, Order 35136-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that in all other respects, the requirements of the Refrigerating Code shall be complied with, and *granted* only so long as the conditions as set forth are substantially maintained to the satisfaction of the fire commissioner.

358-43-A

APPLICANT—Koch and Wagner, for Accurate Brass Co., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—84-20 72nd drive (a right-of-way), south side, 206.41 ft. west of 88th street (Block 3837, Lot 6), Glendale, Borough of Queens (Under section 36, Art. 3, General City Law re buildings required to face a legal street).

APPEARANCES—

For Applicant: Arthur R. Koch and Edwin Morsch.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (358-43-A)

WHEREAS, Koch and Wagner, for Accurate Brass Company, owner, filed July 13, 1943, an application pursuant to Section 36 of the General City Law, to permit the erection of a building on a plot which does not front a mapped street, affecting premises 84-20 72nd drive (a right-of-way), south side, 206.41 ft. west of 88th street (Block 3837, Lot 6), Glendale, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated July 12, 1943, on N. B. Applic. 137-43, reads:

- "3. All buildings required to face a legal street Art. 3, Sect. 36 of the General City Laws."

and

WHEREAS, the applicant states the building will be one story (16 ft.) in height; 65 ft. by 36 ft. in area; of Class 3

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construction on a lot 120 ft. by 251.07 ft. and 265.37 ft. in area; located in an unrestricted use, A area district, and proposed to be used as offices with an occupancy of 16 persons; and

WHEREAS, the applicant contends that the right of way is 30 ft. wide, opens on to 66th street and is now serviced with water, electric and sewer, as indicated on survey attached to N. B. Applic. 137-43; that existing factory buildings are now located on this right-of-way and it is intended by the owners to expand their office facilities by the erection of the proposed building, due to the war effort.

Resolved, that the decision of the borough superintendent on N. B. Applic. 137-43, Objection 3, be and it hereby is *modified* and that the appeal be and it hereby is *granted* under the authority granted the Board under Section 36 of the General City Law to grant, permitting the erection of the building as proposed, *on condition* that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, as required to a similar building when erected upon a duly opened street.

360-43-A

APPLICANT—Gulf Oil Corporation, owner.

SUBJECT—Appeal from a decision of the fire commissioner re Packaging of combustible mixture known as "Gulfspray" (insecticide) in one-gallon glass jugs (capacity of glass jugs not in conformity with Administrative Code Specification).

APPEARANCES—

For Applicant: Gerald Smith.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (360-43-A)

WHEREAS, Gulf Oil Corporation, owner, filed July 13, 1943, an appeal from a decision of the fire commissioner, relating to the packaging of "Gulfspray" (insecticide), a combustible mixture, in one-gallon glass jugs; and

WHEREAS, the decision of the fire commissioner dated June 30, 1943, reads:

"It is regretted that this department must deny your request of June 16, 1943, to package Gulfspray in one-gallon glass jugs."

and

WHEREAS, the applicant contends that for a number of years, it has manufactured and distributed Gulfspray insecticide in 6 oz., pint, quart, gallon and 5-gallon metal containers; that due to WPB restrictions, metal containers cannot now be secured for this purpose; that it is proposed to package Gulfspray in gallon glass jugs, having a capacity of 128 oz. and weighing 42 oz., as indicated on drawing of Anchor Hocking Glass Corp. filed with this appeal, each jug to be equipped with a metal screw cap having a paper liner; that the gallon jugs will be packed for to an ICC specification shipping container with corrugated sleeve around each jug inside of the shipping container.

Resolved, that the decision of the fire commissioner dated June 30, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition*, to permit the packaging of Gulfspray, subject to the certificate of approval issued by the fire commissioner, No. 833, in glass bottles of approximately one-gallon capacity, as manufactured by the Anchor Hocking Glass Corporation, and as proposed; that this variance is for a term of six months, pending action by the Board on an application to be filed by the manufacturers of the bottle for general approval by the Board; that the labelling shall be in accordance with the requirements of the Administrative Code therefor, and satisfactory to the fire commissioner.

Recessed at 4:45 P. M. to Friday, July 30, 1943 at 10 A. M.

JOSEPH J. DOYLE, Chief Clerk.

RECESSED MEETING OF

TUESDAY AFTERNOON, JULY 27, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

ZONING CASE

168-43-BZ

APPLICANT—Philip Freshman, for Milkin Realty Co., owner.

SUBJECT—Application (decision of the borough superintendent) under sections 7c and 21 of the zoning resolution, to permit in a business use district, the use of more than 25% of the aggregate of the floor area of an existing building for factory use.

PREMISES AFFECTED—51-55 Nassau avenue and 68-74 Guernsey street, northeast corner (Block 2644, Lot 45), Borough of Brooklyn.

APPEARANCES—

For Applicant: Philip Freshman.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application withdrawn on request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

APPEALS FROM ADMINISTRATIVE DECISIONS

910-39-A

APPLICANT—George D. McManus, Pres., McManus Laboratories, Inc., lessee for All Purpose Gold Corporation, owner.

SUBJECT—Appeal reopened July 13, 1943—re appeal from an order and a decision of the fire commissioner—Amendment of resolution, previously granted on condition.

PREMISES AFFECTED—107-111 Myrtle avenue, north side, 21 ft. west of Bridge street (Block 143, Lot 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: F. Theodore Chester and Victor Arnas.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Laid over to September 14, 1943 at 2 P. M. for further consideration by the Board.

635-41-A

APPLICANT—Abraham Nichols (lessee), for Henrietta Grum, owner.

SUBJECT—Application reopened May 4, 1943—Appeal from a decision of the borough superintendent (previously withdrawn re an order of the fire commissioner).

PREMISES AFFECTED—398-408 Riverdale avenue, southwest corner of Junius street (Block 3831, Lot 25), Borough of Brooklyn.

APPEARANCES—

For Applicant: Abraham Nichols.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to September 14, 1943 at 2 P. M. for inspection by a committee of the Board.

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252-42-A

APPLICANT—Arnold W. Lederer, for Pauline C. Heberlein, owner.

SUBJECT—Application reopened and restored to calendar, November 10, 1942—Appeal from an order of the fire commissioner (previously withdrawn).

PREMISES AFFECTED—296-302 7th street, south side, 214 ft. 4 in. west of Fifth avenue (Block 998, Lots 26, 28 and 29), Borough of Brooklyn.

APPEARANCES—

For Applicant: Arnold W. Lederer.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Laid over to September 14, 1943 at 2 P. M. for further consideration after an inspection by a committee of the Board.

615-42-A

APPLICANT—Iceland Restaurant Corporation (lessee), for Trustees of Columbia University, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1680 Broadway, east side, 104 ft. south of West 53rd street (Block 1024, Lot 38), Borough of Manhattan.

APPEARANCES—

For Applicant: Dean Ramey.

For Administration: Fred Dahlem, Dep't. of Housing and Buildings.

ACTION OF BOARD—Laid over to September 14, 1943 at 2 P. M. at request of applicant.

709-42-A

APPLICANT—First Ventures Corporation, owner (Kae Sales Company, lessee).

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—199 Broadway, north side, 25 ft. 5¼ in. west of Washington plaza (Block 2444, Lot 92), Borough of Brooklyn.

APPEARANCES—

For Applicant: Philip Freshman.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Laid over to September 14, 1943 at 2 P. M. for inspection by a committee of the Board.

710-42-S

APPLICANT—Gordon-Lacey Chemical Products Company, lessee, for Advance Construction Corporation, owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the fire commissioner.

PREMISES AFFECTED—57-02 48th street (Block 2554, Lot 24), Maspeth, Borough of Queens.

APPEARANCES—

For Applicant: H. N. Abbay.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Laid over to September 14, 1943 at 2 P. M. for applicant to submit plans.

47-43-A

APPLICANT—George Green, for Sadie Dubester, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—3064 Brighton Fourth street, west side, 124 ft. north of Brighton Beach avenue (Block 7284, Lot 1260), Borough of Brooklyn.

APPEARANCES—

For Applicant: George Green.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to September 14, 1943 at 2 P. M. for further consideration by the Board.

52-43-A

APPLICANT—Lama and Proskauer, for A. Enterman, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—645-669 73rd street, north side, 203 ft. 8 in. west of Seventh avenue and 656-674 72nd street (Block 5911, Lot 31), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama and G. N. McCurdy.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Laid over to September 14, 1943 at 2 P. M., for further consideration after inspection by a committee of the Board.

99-43-A

APPLICANT—Jacob W. Sherman, for Agudus Chasidei Chabad of USA, owner.

SUBJECT—Application reopened and restored to calendar, June 15, 1943—Appeal from a decision of the borough superintendent (previously withdrawn).

PREMISES AFFECTED—770-774 Eastern parkway, south side, 90 ft. west of Kingston avenue (Block 1271, Lot 31), Borough of Brooklyn.

APPEARANCES—

For Applicant: Jacob W. Sherman.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to September 14, 1943 at 2 P. M., for an inspection by a committee of the Board.

313-43-A

APPLICANT—Max Schoolsky, for I. Schoolsky and Son, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—28 South 9th street, south side, 98 ft. east of Kent avenue (Block 2144, Lot 10), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel Rosenblum and Isidor M. Rodin.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Laid over to September 14, 1943 at 2 P. M., for further consideration after inspection by a committee of the Board.

331-43-A

APPLICANT—Greater New York Corporation of Seventh-Day Adventists, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—30-89 32nd street, east side, 125 ft. north of 31st avenue (Block 616, Lot 2), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: John F. X. Browne and Carl Wuest.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to September 14, 1943 at 2 P. M., for inspection by a committee of the Board.

364-43-A

APPLICANT—Julius Bleich, for Congregation of House of Levi, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

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APPEARANCES—

For Applicant: Julius Bleich.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to September 14, 1943 at 2 P. M., for inspection by a committee of the Board.

369-43-A

APPLICANT—Edwin W. Kleinert, for William Lind, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1764-1768 and 1770 Circumferential parkway, northwest corner of Bay 37th street (Block 6942, Lots 17 and 92), Borough of Brooklyn.

APPEARANCES—

For Applicant: Edwin W. Kleinert.

For Administration: Fred Dahlem, Dept. of Housing and Buildings.

ACTION OF BOARD—Laid over to September 14, 1943 at 2 P. M., for inspection by a committee of the Board.

372-43-S

APPLICANT—Harry P. Jaenike, for Emigrant Industrial Savings Bank, owner.

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—442-448 Fourth avenue, northwest corner of East 30th street (Block 860, Lot 37), Borough of Manhattan.

APPEARANCES—

For Applicant: Harry P. Jaenike and Humphrey Nolan.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to September 14, 1943 at 2 P. M., for further consideration by the Board.

375-43-A

APPLICANT—Harry P. Jaenike, for Emigrant Industrial Savings Bank, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—442-448 Fourth avenue, northwest corner of east 30th street (Block 860, Lot 37), Borough of Manhattan.

APPEARANCES—

For Applicant: Harry P. Jaenike and Humphrey Nolan.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to September 14, 1943 at 2 P. M., for further consideration by the Board.

382-43-A

APPLICANT—Edmund L. Palmieri, Executor of Estate of John Palmieri, deceased, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—150 Ocean parkway, west side, 395 ft. south of Caton avenue (Block 5328, Lot 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: Edmund L. Palmieri.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to September 14, 1943 at 2 P. M., for inspection by a committee of the Board.

763-42-A

APPLICANT—Mastron Realty Corporation, owner (S. J. Fisher, Incorporated, lessee).

SUBJECT—Appeal from orders of the fire commissioner.

PREMISES AFFECTED—232 and 233 South street, west side, 246 ft. 3 in. east of Market Slip (Block 249, Lots 13 and 14), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

779-42-A

APPLICANT—Lama and Proskaucr, for Rebecca Downey, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—3302 Fillmore avenue, southeast corner of East 33rd street (Block 8500, Lot 40), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama and Charles Weinstein,

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn by applicant, after discussion.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

789-42-A

APPLICANT—Art Steel Co., Inc., lessee, for Aburley Corporation, owner.

SUBJECT—Appeal from orders and decisions of the fire commissioner.

PREMISES AFFECTED—300-306 East 145th street, southwest corner of College avenue (Block 2325, Lot 14), Borough of The Bronx.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

854-42-A

APPLICANT—Raymond S. Harris, for Primary Realty Corporation, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—1181 Broadway, southwest corner of West 28th street (Block 829, Lot 57), Borough of Manhattan.

APPEARANCES—

For Applicant: Leonard E. Golditch.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal withdrawn on request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

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861-42-A

APPLICANT—Alfred Dunhill of Lond, Incorporated, 1 for Harlem Chemical Company, owner.

SUBJECT—Appeal from a decision of the fire commissioner re packaging of inflammable mixture known as "Benzique" Lighter Fluid in 6 oz. glass bottles (capacity of bottles not in conformity with Administrative Code specifications).

PREMISES AFFECTED—37-11 22nd street, east side, 100 ft. southeast of 37th avenue (Block 365, Lot 10), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

893-42-A

APPLICANT—Bri-Test Products Corporation, lessee, for A. J. C. Corporation, owner.

SUBJECT—Appeal from orders and a decision of the fire commissioner.

PREMISES AFFECTED—810 East 136th street, south side, 300 ft. east of Willow avenue (Block 2587, Lot 11), Borough of The Bronx.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

915-42-A

APPLICANT—Dental Research and Sales Company, Incorporated, lessee, for Florence Steingart, owner.

SUBJECT—Appeal from a decision re an order of the fire commissioner.

PREMISES AFFECTED—50 Snediker avenue, west side, 315 ft. south of Atlantic ovenue (Block 3680, Lot 51), Borough of Brooklyn.

APPEARANCES—

For Applicant: Leonard E. Golditch.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal withdrawn on request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

7-43-S

APPLICANT—Eagle Precision Tool and Die Co., lessee, for Dennison and Sons, owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the fire commissioner.

PREMISES AFFECTED—35-35 to 35-45 36th street, east side, 92.5 ft. north of 36th avenue (5th floor); (Block 640, Lot 4), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

183-43-A

APPLICANT—Steve Zedlovich, for Anna Zedlovich, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—14-73 and 14-75 Clintonville street, east side, 65.91 ft. north of Cross Island parkway (Block 4714, Lot 4), Beechhurst, Borough of Queens.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

211-43-A

APPLICANT—Herman Kron, for Royal Plating Works, owner (Thormac Chemical Co., Inc., lessee).

SUBJECT—Appeal from an order and decisions of the fire commissioner.

PREMISES AFFECTED—339 Canal place, west side, 200 ft. south of East 141st street (1st floor); (Block 2340, Lot 133), Borough of The Bronx.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

343-43-A

APPLICANT—Chauncey A. Pierce, for A. E. MacAdam and Co., Inc., owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—93-101 Lexington avenue, north side, 275 ft. east of Classon avenue (Block 1967, Lots 64 and 65), Borough of Brooklyn.

APPEARANCES—

For Applicant: Chauncey A. Pierce, A. E. MacAdam, Jr.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal withdrawn by applicant, after discussion.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

351-43-A

APPLICANT—Emil Koeppel, for Tillie Comoraw, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—3042 Brighton 7th street, west side, 335 ft. south of Ocean View avenue (Block 7284, Lot 1460), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

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365-43-A

APPLICANT—Joseph Orlando, for Joseph Giamario, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—934 Gun Hill road, south side, 125 ft. west of Golden avenue (Block 4635, Lot 32), Borough of The Bronx.

APPEARANCES—

For Applicant: Anthony Manzi.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn at request of applicant's representative.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

373-43-A

APPLICANT—M. E. Kattell, for Colonial Beacon Oil Co., owner.

SUBJECT—Appeal from a decision of the fire commissioner re Transportation of Varsol Nos. 1 and 2 in Tank Truck (semi-trailer Tractor) (Capacity of tank not in conformity with Administrative Code Specifications covering Tank Trucks), in New York City.

APPEARANCES—

For Applicant: Joseph B. Lynch.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal withdrawn on request of applicant, after discussion.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

822-41-S

APPLICANT—H. M. Field, Incorporated (lessee), for The American Tobacco Company, Incorporated, owner.

SUBJECT—Variation of the labor law as cited in an order and decisions of the fire commissioner and a decision of the borough superintendent.

PREMISES AFFECTED—84-88 Sandford street, west side, 182 ft. 3 in. south of Park avenue (Block 1736, Lot 14), Borough of Brooklyn.

APPEARANCES—

For Applicant: David Silverman.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (822-41-S)

WHEREAS, H. M. Field, Incorporated, applicant and lessee, for the American Tobacco Co., Inc., owner, filed September 24, 1941, an application for variation of the Labor Law, as cited in an order and decisions of the fire commissioner and a decision of the borough superintendent, affecting premises 84-88 Sandford street, west side, 182 ft. 3 in. south of Park avenue (Block 1736, Lot 14), Borough of Brooklyn; and

WHEREAS, Order 6599-LF issued by the fire commissioner June 5, 1941, reads:

"1. Remove all partitions not built of incombustible material as per section 263 and 270 of the Labor Law."

and

WHEREAS, said order was referred to in decisions of the fire commissioner dated July 22, 1941 and August 26, 1941; and

WHEREAS, the decision of the borough superintendent, dated July 15, 1943, on Alt. Applic. 2242-43, reads:

"1. Wood and glass partitions in a fireproof factory building is contrary to Sec. 270, par. 6 of the Labor Law unless building is equipped with an automatic sprinkler system."

and

WHEREAS, applicant states the building is 6 stories (82 ft.) 4 in. in height, 75 ft. by 80 ft. in area; Class 1 construction; erected since October 1, 1913; located in an unrestricted use district and used since 1937 as follows: Cellar, boilerroom and storage of pickles in barrels and tanks; 1st floor, office; storage of pickles and loading, 6 persons; 2nd floor, packing pickles, 10 persons; 3rd floor, storage of pickles, no persons; 4th floor, storage of pickles, 1 person; 5th floor, packing pickles, 20 persons; 6th floor, storage of pickles; that the building is equipped with sprinkler and standpipe systems, two fire-proof interior stairs leading from roof bulkhead direct to street, each 7 ft. wide; that the sprinkler system has no source of water supply; that prior to September, 1942, when the present owner acquired the building from the American Tobacco Co., which also owned 540 Park avenue, the sprinkler system in the building in question was connected to 540 Park avenue for its source of supply; that the American Tobacco Co. has since sold the Park avenue building and the water line supplying the sprinkler system in the building in question was disconnected; that it would be impracticable to construct a tank on top of the building in question to supply the sprinkler system and it is questionable whether materials could be obtained therefor; that the wood and glass partitions on the ground floor separate the space dividing the office use from the remaining part, which is used for the storage of pickles; that no manufacturing is done on the ground floor; that it is therefore requested that a variation of the Labor Law be made, so as to permit the partitions to remain as shown on Alt. Applic. 2242-43, filed with the borough superintendent; and

WHEREAS, since the filing of this application, the applicant states that the building has been acquired from the American Tobacco Company by H. M. Field, Incorporated, former tenants.

Resolved, that the decision of the borough superintendent acting on Alt. Applic. 2242-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the partitions shall not be extended; that within two years, such partitions shall be removed or partitions complying with the requirements therefor shall be constructed; that action on this application shall be deemed as a modification of the fire commissioner's order, 6599-LF; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

129-42-A

APPLICANT—Olvany, Eisner and Donnelly, for For Motor Co., owner (Brewster Aeronautical Corporation, lessee).

SUBJECT—Application reopened February 24, 1943—r Appeal from an order and a decision of the fire commissioner; previously withdrawn after argument.

PREMISES AFFECTED—32-14 Northern boulevard southeast corner of Honeywell street (Block 214 Lot 210), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Merwin Lewis and William Landry.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative
Negative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn...

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THE RESOLUTION (129-42-A)

WHEREAS, this appeal from an order and a decision of the fire commissioner, affecting premises 32-14 Northern boulevard, southeast corner of Honeywell street (Block 214, Lot 210), Long Island City, Borough of Queens, was withdrawn on March 31, 1942; and

WHEREAS, the applicant requested a reopening and restoration to the calendar; and

WHEREAS, this case was reopened by vote of the Board on February 24, 1943, and the case was restored to the calendar, subject to usual procedure; and

WHEREAS, the applicant has filed copy of Order 8590-LP, issued by the fire commissioner April 28, 1942, which reads:

"4. Provide 75 approved sand buckets of at least 10 quarts capacity on 8th, 7th, 6th and 1st floor and cellar and 60 approved sand buckets on 5th, 4th, 3rd and 2nd floor. NOTE: Buckets to be marked FIRE with letters not less than 2½ in. in height, kept full of clean sand and not to be used for any other purpose. Buckets to be placed on permanent shelves, hooks or racks, same to be not less than two feet nor more than four and one-half feet above the floor. C19-161.0 Administrative Code."

and

WHEREAS, the applicant states that the building is 8 stories (125 ft.) in height; 312 ft. by 187 ft.; irregular in area; of Class 1 construction; equipped with a standpipe and sprinkler system located in an unrestricted use, A area district; erected 1914, and occupied as follows: Subcellar, boiler room, 3 persons; cellar, sheet metal and paint storage, 50 persons; first floor, factory, 200 persons; second floor, factory and offices, 400 persons; third floor, factory, 400 persons; fourth, fifth, and sixth stories, factory, 300 persons each, 7th floor, factory and offices, 300 persons, 8th floor, factory and offices 200 persons and that no change in use or occupancy is proposed; and

WHEREAS, Certificate of Occupancy No. Q2022, issued July 11, 1921, classifies the construction of the building as brick and permitted its use re factory throughout with no limitation on the number of occupants; and

WHEREAS, the applicant contends that the building has a sprinkler system and a standpipe system; that there are 2750 ft. of 2½ in. hose and 450 ft. of 1 in. hose attached to the standpipe system; that there are four hose stations on each floor and no portion of the floor is more than 100 ft. from any hose outlet; there are two tanks on the roof containing 95,000 gallons of water and there is a 1,000 gallon per minute pump in the engine room; that the company has a trained fire brigade consisting of 9 squads of 12 men each on each floor; that the building is equipped with approximately 150 soda and acid, 100 foamite and about 25 carbon dioxide fire extinguishers throughout the building, at least 25 of which are located on each floor; that fifteen sand buckets are located on each floor, and in addition thereto, there are nine 40 gallon capacity chemical extinguishers, one on each floor; and therefore it appears there is no necessity for any water buckets, but that if water buckets are necessary, not more than six should be provided for each floor; and

WHEREAS, the applicant now contends that since this appeal was previously withdrawn the matter was taken up with the fire department to obtain a reduction in the number of buckets required and the fire commissioner has issued the order dated April 28, 1942, which reduces the number of buckets required but has refused to reduce the number further and it is therefore requested that the Board consider this appeal based on the new order of the fire commissioner.

Resolved, that Order 8590-LP of the fire commissioner be and it hereby is *affirmed* and that the appeal be and it hereby is *denied*.

337-42-S

APPLICANT—Brewster Aeronautical Corporation, lessee, for Braeco Realty Corporation, owner.

SUBJECT—Application reopened and restored to calendar, May 4, 1943, re Variation of the labor law as cited

in an order and decisions of the fire commissioner. (previously withdrawn).

PREMISES AFFECTED—34-01 to 34-19 38th avenue, north side, from 34th to 35th streets, entire block (Block 376, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Merwin Lewis and William Landry.
For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (337-42-S)

WHEREAS, this application from an order of the fire commissioner and a decision of the borough superintendent, affecting premises 34-01 to 34-19 38th avenue, north side, from 34th to 35th streets (Block 376, Lot 1), Long Island City, Borough of Queens, was withdrawn on June 30, 1942; and

WHEREAS, the applicant requested a reopening and restoration to the calendar; and

WHEREAS, this case was reopened by vote of the Board on May 4, 1943 and restored to the calendar; and

WHEREAS, Order No. 8367-LF, issued by the fire commissioner, March 26, 1942, reads:

"An inspection of the premises 34-01 to 34-19 38th avenue, L. I. C. Borough of Queens, shows that a fire drill should be established and maintained therein according to the requirements of Section 279 of the Labor Law."

and

WHEREAS, the decision of the borough superintendent, dated April 16, 1942, on Misc. Applic. 1902-42, reads:

"2. Stud partitions in a fireproof building are contrary to the building code and the Labor Law.

3. Stairs inadequate for proposed occupancy sect. 278 of Labor Law."

and

WHEREAS, the applicant states that the building is 4 stories, (75 ft.) in height, 200 ft. by 196 ft. and 207 ft., irregular, in area; of Class 1 construction; erected in 1912 and located in an unrestricted use district; occupied throughout for factory purposes, having 453 persons on the 1st floor; 453 persons on the 2nd floor; 627 persons on the 3rd floor; 346 persons on the 4th floor; the latter being used for offices; proposed to be occupied: Cellar, same; 1st floor, same; 2nd floor, 668 persons; 3rd floor, 630 persons; 4th floor, offices, 529 persons; that the building is equipped with a sprinkler system, standpipe system, one interior 48 in. fireproof stairs and two exterior fire escapes which lead from roof to street, equipped with fireproof windows and doors on the course thereof; and

WHEREAS, Violation No. 1888-42, was issued March 23, 1942, for erecting partitions on 2nd and 3rd floors without permit, for not posting floor cards and for changing the occupancy in excess of number of occupants permitted by Certificate of Occupancy 4456; and

WHEREAS, Certificate of Occupancy 4456, issued April 5, 1939, permits the occupancy of the 1st floor by 490 persons; 2nd floor 150 persons; 3rd floor, 340 persons and 4th floor, offices, 165 persons; and

WHEREAS, the applicant contends as to Obj. No. 2 of the borough superintendent's decision, that the major portion of the partitions enclosing tool cribs and stock rooms, consists of wire mesh on 2 by 4's, 2 feet on centers, from floor to ceiling; that as it is essential that any person in these enclosures can be seen from the outside, it is necessary these partitions be of such nature that they can be seen through; that the remainder of the partitions are constructed of "sheet rock", "Celotex", "Beaver board" or "plywood"; that they are used to enclose temporary offices and cannot be entirely dispensed with, because they separate the pro-

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duction parts of the building from the non-productive and the noise would seriously impair the work in the office; that in connection with the temporary mezzanines erected for the storage of tools, the attention of the Board is directed to the fact that to comply with the law would require an extensive alteration to the floor structure; that these mezzanines are merely used for the purpose of storage and not occupied by any employees; that access to the mezzanine is by ladder and not by stairs; that none of the partitions in question interfere in any manner with the sprinkler apparatus; that there is no danger by reason of the maintenance of these partitions and to replace them would seriously interfere with production; that they were all erected merely for the duration of the emergency, if that long, and their installation was necessitated by the increased demands for production occasioned by the war; that the company has contracts with the Navy and it is a Navy rule that parts manufactured be segregated from everything else and securely locked; that it is for this reason that many of these temporary partitions are maintained; that in view of the foregoing, it is respectfully requested that the Board grant the applicant permission to continue to maintain these partitions for the duration of the emergency; and

WHEREAS, the applicant contends as to Obj. No. 3 of the borough superintendent's decision, that Section 238 of the Labor Law permits 668 persons on the 2nd floor and it is proposed to have 460 persons occupy such floor; that the Labor Law permits 529 persons on the 3rd floor and it is proposed to have 630 occupants; that the Labor Law permits 529 persons on the 4th floor and it is proposed to have 350 occupants; that the total permitted occupancy for these three floors is 1726, while the total desired occupancy is only 1440; that the floors will not be occupied in excess except on the 3rd floor, which will have an excess of 101 persons; that in view of the fact the building is fireproof, equipped with sprinkler and standpipe systems and an adequately trained fire brigade, it is requested the Board permit the amendment to the Certificate of Occupancy, so as to permit the 2nd floor to be occupied by 668 persons, the 3rd floor by 630 persons and the 4th floor by 529 persons; and

WHEREAS, the applicant contends as to the order of the fire commissioner, that all provisions of Sec. 279 of the Labor Law have been complied with except the conducting of occupants of the building to a place of safety once each month; that fire brigade drills are conducted monthly, but the occupants of the building have not been required to leave the building; that as the applicant is engaged in defense work, compliance with the requirements of Sec. 279, subdiv. 2 of the Labor Law would mean cessation of operations for a substantial time and serious interference with production; that the building is equipped with directional arrows indicating the location of exits; that in view of the fact the operation of the plant would be disrupted if the order of the fire commissioner was complied with, it is requested that the requirements of the order be dispensed with; and

WHEREAS, the applicant has now filed a decision of the fire commissioner dated March 31, 1943, which reads:

"We are in receipt of your letter of March 24th wherein you request a reissuance of Order 8367-LF, affecting the above mentioned premises. You will please be advised that your request must be denied for the reason that it is not the policy of this department to reissue orders."

Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the Labor Law as cited in a decision of the borough superintendent on Misc. Applic. 1902-42, Objection 2, and that the application be and it hereby is *granted on condition* that the stud partition shall be as described and limited to the 2nd and 3rd floors as indicated on plans filed with this appeal; that this variance shall be for the term of the present emergency only; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as modified by the Board under

Cal. 1042-41-S and withdrawn as to Objection 3 and withdrawn as to Order 8367-LF of the fire commissioner.

653-42-S

APPLICANT—Kenyon Transformer Co., Inc., lessee, for 840 Barry Street, Inc., owner.

SUBJECT—Variation of the labor law as cited in a decision of the acting borough superintendent.

PREMISES AFFECTED—840 Barry street, east side, 100 ft. north of Burnett place (Block 2737, Lot 91), Borough of The Bronx.

APPEARANCES—

For Applicant: Magnus Lyston and W. H. Givens.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (653-42-S)

WHEREAS, Kenyon Transformer Co., Inc., applicant and lessee, for 840 Barry Street, Inc., owner, filed August 27, 1942, an application for variation of the Labor Law, as cited in a decision of the acting borough superintendent; affecting premises 840 Barry street, east side, 100 ft. north of Burnett place (Block 2737, Lot 91), Borough of The Bronx; and

WHEREAS, the decision of the borough superintendent, dated July 30, 1942, reads:

"Inspection of the above premises was made by this Department following receipt of your letter of June 6th, 1942, in which you requested a variance of a Fire Department Violation filed against locked doors on your premises on the ground that your plant is engaged in the manufacture of classified material for the Navy Department, the District Security Office of which recommended that the doors be locked from the outside to prohibit the entrance of unauthorized persons on your plant.

This Department is without authority of any kind to vary a violation filed by another department. As a matter of fact, as a result of our inspection of the premises it became necessary to file a violation—2508-1942—against exit doors to yard and street which were found locked during working hours.

In the notice of this violation addressed to you under separate cover you have been ordered to keep these doors open during working hours. The violation is predicated on section 272, subdivision 3 of the Labor Law.

It is neither the purpose nor the inclination of this Department to in any way burden the premises with a violation as the importance of the work for the Navy Department is appreciated. On the other hand, the Department has no alternative but to file such violations as are warranted by conditions found as a result of an inspection of any premises. In the instant violation neither the Fire Dept. nor the Dept. of Housing and Buildings is authorized to waive or vary the requirements of the Labor Law no matter what the merit of the reason given in requesting such variation. Authority, however, to vary for good and sufficient reasons is vested in the Board of Standards and Appeals to whom application for relief or variance from the order of this department above referred to should be made.

It is sincerely hoped that you will realize the position of this department in such matters."

and

WHEREAS, Violation 2508-42 was issued July 20, 1942 by the Commissioner of Housing and Buildings for having exit doors to yard and street kept locked during working hours; and

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WHEREAS, applicant states the building is one story and basement, 25 ft. in height, 90 ft. by 100 ft. in area; Class 3 construction; erected in 1926; located in business and unrestricted use districts; occupied: Cellar, punch press, machine shop and assembly, 75 persons; 1st floor, winding dept., shipping and office, 50 persons; that the building is equipped with an interior fire alarm system and fire drills are maintained; that there is one 4 ft. wide stairs enclosed with steel and concrete and equipped with steel doors leading from roof bulkhead directly to street, and one fire escape, equipped with steel doors leading thereto; and

WHEREAS, applicant contends that it has been ordered by the United States Navy, to keep the doors locked, so that they may be readily opened from the inside but not from the outside, as indicated on plans filed with this application; and

WHEREAS, the applicant has filed a copy of the recommendations of the U. S. Navy, Office of Inspector of Naval Material.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the borough superintendent dated July 30, 1942, and that the application be and it hereby is *granted on condition* that panic bolts shall be installed only as proposed, on the door from the second floor leading to the side court fire escape, *on condition* that such panic bolt shall be of an approved type; that doors at the rear of the lower floor to open court marked "A" and "B" on plan may be equipped with latches on the inside and so arranged as to permit ready exit; that this variance is continued only during the term of the present emergency; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that interior fire alarm system and fire drills shall be maintained to the satisfaction of the fire commissioner.

741-42-A

APPLICANT—Walter Hesse, for Gimbel Brothers, owner.
SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1275 Broadway, southwest corner of West 33rd street (Block 808, Lot 40), Borough of Manhattan.

APPEARANCES—

For Applicant: Walter Hesse.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4

THE RESOLUTION (741-42-A)

WHEREAS, Walter Hesse, for Gimbel Brothers, owner, filed October 17, 1942, an appeal from a decision of the borough superintendent, affecting premises 1275 Broadway, southwest corner of West 33rd street (Block 808, Lot 40), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent dated October 14, 1942 on Amendment to Alt. Applic. 1996-41 reads:

"14. Unlawful to attach sign to marquee unless same is placed flat against fascia and unless no part of sign projects above or below the marquee. B26-7.0 g of Administrative Code."

WHEREAS, the applicant states that the building is 11 stories (132 ft. 1 in.) in height, 400 ft. by 197 ft. 6 in. in area, of Class 1 Construction, equipped with a sprinkler system, standpipe system, erected in 1911, located in a restricted retail use district and occupied as a department store; and

WHEREAS, Violation 6352 was issued July 17, 1942, for erecting and maintaining a combustible sign attached to the

northeast marquee facing on West 33rd street, contrary to section B-26.7.0, subd. G, of the Administrative Code; and

WHEREAS, the applicant contends that owing to the unusually long marquee on the north facade, the entrance to the restaurant is obscured; that the erection of the present awning or valance under a small portion of the marquee is the only practical way to mark the entrance to the restaurant; that the height of most of the awning strip is only 20 in. contrasting with the average 3 ft. height of the many hundreds of awning strips existing throughout the city; and that the letters will be removed from the awning.

Resolved, that the decision of the borough superintendent, on Alt. Applic. 1996-41, be and it hereby is *affirmed* and that the appeal be and it hereby is *denied*.

811-42-S

APPLICANT—Pathe Engineering and Tool Manufacturing Division of Ley Realty Co., Inc., for Bernadel Realty Corporation, owner.

SUBJECT—Variation of the Labor Law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—40-09 21st street, east side, 60 ft. south of 40th avenue (Block 410, Lot 9), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (811-42-S)

WHEREAS, Pathe Engineering and Tool Manufacturing Division of Ley Realty Co., Inc., for Bernadel Realty Corporation, owner, filed on November 18, 1942, an application from a decision of the fire commissioner, affecting premises 40-09 21st street, east side, 60 ft. south of 40th avenue (Block 410, Lot 9), Long Island City, Borough of Queens; and

WHEREAS, the applicant failed to complete the papers in this case, although duly notified to do so.

Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

889-42-S

APPLICANT—Eagle Precision Tool and Die Company, lessee, for Dennison and Sons, owner.

SUBJECT—Variation of the Labor Law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—35-35 to 35-45 36th street, east side, 92.5 ft. north of 36th avenue (Block 640, Lot 4); (5th floor), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (889-42-S)

WHEREAS, Eagle Precision Tool and Die Company, lessee, for Dennison and Sons, owner, filed on December 19, 1942, an application from a decision of the fire commissioner, affecting premises 35-35 to 35-45 36th street, east side, 92.5 ft. north of 36th avenue (Block 640, Lot 4); (5th floor), Long Island City, Borough of Queens; and

WHEREAS, the applicant failed to complete the papers in this case, although duly notified to do so.

Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

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898-42-A

APPLICANT—Oscar Goldschlag, for Silverberg and Trattner, Inc., owner.

SUBJECT—Appeal from a decision re an order of the fire commissioner.

PREMISES AFFECTED—358 East 145th street, south side, 91.41 ft. east of Third avenue (Block 2306, Lot 66), Borough of The Bronx.

APPEARANCES—

For Applicant: Oscar Goldschlag.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (898-42-A)

WHEREAS, Oscar Goldschlag, for Silverberg and Trattner, Inc., owner, filed December 23, 1942, an appeal from an order of the fire commissioner, affecting 358 East 145th street, south side, 91.41 ft. east of Third avenue (Block 2306, Lot 66), Borough of The Bronx; and

WHEREAS, Order 14203-LF, issued by the fire commissioner April 7, 1942, reads:

"1. Replace missing iron shutters at all openings in the exterior wall which are distant in a direct line less than 30 ft. from any opening in any other building and not in the same plane with said openings and which are not more than 50 ft. above a neighboring roof at rear side of building, or other approved protection. 491-A 2.-2.0 Adm. Code."

and

WHEREAS, said order was referred to in a decision of the fire commissioner on December 15, 1942, which reads as follows:

"In reply to your letter to omit compliance with Order 14203-LF requiring the missing iron fire shutters on the rear of the above building to be replaced, you are advised as follows:

As there are window exposures within 30 ft. of the openings in question, your request must be denied."

and

WHEREAS, the applicant states the building is 3 and 4 stories, (50 ft.) in height, 75 ft. by 100 ft. in area; of Class 3 construction; erected 1893; located in an unrestricted use district and used as follows: four story building:—Cellar, boiler room and storage; 1st floor, offices and storage, 2 persons; 2nd floor, factory, 4 persons; 3rd floor, storage, no persons; 4th floor, storage, no persons; that it is proposed to be used and occupied: Cellar, same; 1st floor, office, storage and factory, 4 persons; 2nd floor, factory, 8 persons; 3rd floor, factory, 8 persons; 4th floor, same; Three story building; 1st floor, storage; 2nd floor, factory, 8 persons; 3rd floor, storage; that it is proposed to be occupied: 1st floor, factory, 8 persons; 2nd floor, factory, 8 persons; 3rd floor, factory, same; and

WHEREAS, the applicant contends that the three story building is more than 30 ft. distance from the building in the rear and the four story building has no windows on the upper stories and the building opposite in the rear is only one story in height; that the windows on the first story of the four story building are well above the roof of the one story building to the rear; that the one story building in the rear is not used and is completely boarded up; that the owner is unable to obtain the required materials for steel shutters due to Government restrictions.

Resolved, that the order of the fire commissioner, Order 14203-LF, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall not be increased in height or area; that no additional windows shall be installed, to create an additional exposure and *granted* only so long as the one story building in the rear

of the 4 story portion of the premises has a rear brick wall with no openings therein; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board under Cal. No. 255-42-S.

26-43-S

APPLICANT—Bristol and Martin, Inc., owner.

SUBJECT—Variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—466-468 Broome street and 56 Greene street, northeast corner (Block 485, Lot 40), Borough of Manhattan.

APPEARANCES—

For Applicant: Stanley H. Molleson and Henry Fuller.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4

THE RESOLUTION (26-43-S)

WHEREAS, Bristol and Martin, Inc., owner, filed January 15, 1943 an application for variation of the requirements of the Labor Law as cited in a decision of the fire commissioner, affecting premises 466-468 Broome street and 56 Greene street, northeast corner (Block 485, Lot 40), Borough of Manhattan; and

WHEREAS, the decision of the fire commissioner dated December 16, 1942, reads:

"In reply to your request for permission to smoke in your factory at the above premises, you are herewith informed that an inspection of the premises was made and upon consideration it was found that permission cannot be granted by this department."

and

WHEREAS, the applicant states that the building is five stories and basement (65 ft.) in height, 50 ft. by 100 ft. in area, of Class 3 construction, erected prior to 1894, located in an unrestricted use district and used since 1939 as follows: cellar, steel storage, 5 persons; 1st floor, office, 54 persons; 2nd floor, locker room, no persons; 3rd floor, machine shop, 60 persons; 4th floor, engineer's office, 29 persons; 5th floor, machine shop, 75 persons; that the building is equipped with a sprinkler system, interior fire alarm system and fire drills are maintained; that the building is equipped with two 45 in. stairs, constructed of steel with slate steps enclosed in brick, equipped with metal covered fireproof doors and extending from roof bulkhead directly to the street; and

WHEREAS, the applicant contends that permission is sought to smoke on the 1st and 4th floors and in a suitable room in the basement and on the 2nd, 3rd and 5th floors; that the 1st floor is devoted entirely to office use and the 4th floor consists of offices, drafting and inspection rooms; that the factory use consists of machine shop work, producing precision tools and instruments made of non-inflammable material and is carried on in the basement and on the 2nd, 3rd and 5th floors; that the owner is willing to construct a suitable room in the basement and on the 2nd, 3rd and 5th floors to comply with requirements or as an alternative, requests that smoking be permitted in the toilets or locker rooms on these floors; that the entire building is sprinklered; that it is contended further that smoking may be permitted under Rule 2 of the Board of Standards and Appeals Rules relating to smoking in factories.

Resolved, that the decision of the fire commissioner dated December 16, 1942 be and it hereby is *affirmed* and that the application be and it hereby is *denied*.

MINUTES

93-43-A

APPLICANT—Henry Nordheim, for Rubild Realty Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—163 West 48th street, north side, 100.4 ft. east of 7th avenue (Block 1001, Lot 5), Borough of Manhattan.

APPEARANCES—

For Applicant: Henry Nordheim.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

THE RESOLUTION (93-43-A)

WHEREAS, Henry Nordheim, for Rubild Realty Corp., owner, filed March 4, 1943, an appeal from a decision of the borough superintendent, affecting premises 163 West 48th street, north side, 100.4 ft. east of 7th avenue (Block 1001, Lot 5), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent dated March 2, 1943 on Alt. Applic. 1197-39, reads:

"The applicant desires to take this case to the Board of Standards and Appeals, for that reason objection No. A7 which was served on 2/4/43 in an amendment dated 2/3/42 is repeated as follows:

A7 "New opening from apartment to public hall and erection of door in former trimmed opening of rear east apartment, also erection of door in rear west apartment private hall indicates creating a center apartment without a 2nd means of egress. Sec. 231 MDL.

See violation item 28 of Div. of Housing; also note that the arrangement and design (Sec. 4, sub. 29, MDL) of room checked "A" indicates use as an independent household unit. As a new room in a newly created apartment, such room shall conform to Sec. 223 MDL. Note: Lot line ventilation. Further provide second means of egress, Sec. 231, MDL."

and

WHEREAS, the applicant states that the building is five stories (53 ft.) in height, 25 ft. by 99 ft. 7 in. in area, of Class 3 construction, erected prior to 1901, located in a retail 1 use district and occupied: cellar, boiler room and storage, no persons; 1st floor, store; 2nd floor to 5th floors inclusive, 4 apartments each floor; and

WHEREAS, the applicant contends that an amendment is filed with the borough superintendent to provide two doors in the rear apartments on the 2nd and 3rd floors for the convenience of the tenants and to afford an additional exit for the westerly apartment; that the objection filed by the borough superintendent is not sustained by law and is based on a presumption which is not sustained by law; that the question is appealed to the Board for an interpretation of the arbitrary ruling of the Department and not a modification of law.

Resolved, that the decision of the borough superintendent acting on Alt. Applic. 1197-39, be and it hereby is *affirmed* and that the appeal be and it hereby is *denied*.

122-43-S

APPLICANT—Austen Laboratories, Inc., lessee, for East 39th Co., Inc., owner.

SUBJECT—Variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—234-240 East 39th street, south side, 150 ft. west of 2nd avenue (Block 919, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (122-43-S)

WHEREAS, Austen Laboratories, Inc., lessee, for East 39th Co., Inc., owner, filed on March 17, 1943, an application from a decision of the fire commissioner, affecting premises 234-240 East 39th street, south side, 150 ft. west of 2nd avenue (Block 919, Lot 16), Borough of Manhattan; and

WHEREAS, the applicant failed to complete the papers in this case, although duly notified to do so.

Resolved, that the application be and it hereby is dismissed for lack of prosecution.

169-43-S

APPLICANT—Philip Freshman, for Milkin Realty Co., owner.

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—51-55 Nassau avenue and 68-74 Guernsey street, northeast corner (Block 2644, Lot 45), Borough of Brooklyn.

APPEARANCES—

For Applicant: Philip Freshman.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (169-43-S)

WHEREAS, Philip Freshman, for Milkin Realty Co., owner, filed April 14, 1943 an application for variation of the requirements of the Labor Law as cited in a decision of the borough superintendent, affecting premises 51-55 Nassau avenue and 68-74 Guernsey street, northeast corner (Block 2644, Lot 45), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent dated April 3, 1943 on Alt. Applic. 3618-42 reads:

"2. The Labor Law, Sect. 270, requires two fireproof enclosed exit stairs."

and

WHEREAS, the applicant states that the building is 3 stories, filed April 14, 1943 an application for variation of the requirements of the Labor Law as cited in a decision of the use district and used as an office building with 112 persons on the first floor, 112 persons on the 2nd floor, and 90 persons on the third floor, for which Certificate of Occupancy 85709 was issued in 1938 and proposed to be used and occupied as follows: cellar, storage and boiler room; 1st floor, manufacturing of radio tubes, office and dressing room; 2nd floor, manufacturing radio tubes, offices; 3rd floor, manufacturing radio tubes and office; that the building is equipped with one 3 ft. 8 in. interior steel and marble stairs enclosed with 6 in. terra cotta blocks, equipped with steel self-closing doors, one exterior stairs 3 ft. 8 in. wide, located in interior court extending from 3rd story to 1st story with egress from termination through fireproof passageway to street; that the 2nd floor is also provided with an existing iron counter-balanced stairs leading to street on Guernsey street front and that the windows on the course of the exterior stairs are fireproof; and

WHEREAS, the applicant contends that the building was originally erected as a telephone exchange, 2 stories and cellar in height; that in 1923 the third story was erected; that the building is constructed throughout of fireproof materials, is equipped with 3 ft. 8 in. interior steel stairs from 1st floor to roof, enclosed in 6 in. terra cotta partitions and

MINUTES

fireproof doors and hall partitions and one exterior open iron stairs 3 ft. 8 in. wide at the northwest corner interior court from 1st floor to 3rd floor; that the terminus of this stairs is at 1st floor with direct connection to fireproof passageway leading to Guernsey street; that the stairs from 1st floor to cellar are enclosed in fireproof material with fireproof door in the cellar; that the southerly end of the cellar is provided with a door leading directly to the open areaway on Nassau avenue, with stairway leading up to grade; that in addition; there is an exterior counterbalanced steel stairs on the northwest corner of the 2nd floor, 3 ft. 8 in. wide, leading to Guernsey street; that the Board is requested to vary the Labor Law requirement for a second enclosed stairway, on the grounds that the main portion of the building was built prior to 1913; that the building being constructed fireproof throughout is in excess of the requirements if such building were built today; that the present exit facilities will be supplemented by an additional steel balcony on the 3rd floor, to connect with the existing iron stairs; that all exits have direct egress to the street, all door and window openings are fully protected with fireproof doors and windows.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law, as cited in a decision of the borough superintendent, acting on Alt. Applic. 3618-42, and that the application be and it hereby is *granted* as to Objection 2, *on condition* that the means of exit as shown, described and proposed shall be maintained; that the amount of space to be occupied for manufacturing shall not exceed that permitted under the zoning resolution; that the building shall not be increased in height or area; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

198-43-A

APPLICANT—New York and Brooklyn Casket Co., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—703 Bedford avenue, east side, from Wallabout to Lynch streets (front building); (Block 2235, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: C. Christman and Oscar Lowinson.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners	
Savage and Blum and Deputy Chief Gunn...	4
Negative	0

THE RESOLUTION (198-43-A)

WHEREAS, New York and Brooklyn Casket Company, filed April 27, 1943, an appeal from an order of the fire Commissioner, affecting premises 703 Bedford avenue, 97-121 Wallabout street, northeast corner, 2 to 24 Lynch street and 1 to 3 Middleton street (Block 2235, Lot 1), Borough of Brooklyn; and

WHEREAS, Order 94417-LC, issued by the fire commissioner March 30, 1943, reads:

"You are hereby notified that an inspection of the above premises, used to store and use paint, varnish, etc., shows that the following must be done before the permit requested by you can be issued:

Forthwith

1. Discontinue the storage of spraying, dipping and immersing materials in excess of 200 gallons in a storage room. Rule 6.2, Spray Rule."

and

WHEREAS, the applicant states the building is four stories, (57 ft.) in height, 54 ft. by 392 ft., irregular in area; of Class 3 construction, equipped with an approved sprinkler system, erected 1907; located in an unrestricted and business use district and used as follows; 1st floor, shipping and manufacturing caskets, 78 persons; 2nd floor, office and manufacturing and storage of caskets, 50 persons; 3rd floor, storage and manufacturing of caskets, 15 persons; 4th floor, manufacturing caskets, 101 persons; for which no certificate of occupancy has been issued; and

WHEREAS, the applicant contends that it is proposed to store 1,000 gallons of spraying, dipping and immersing materials in the storage room of the 4th floor; that the premises consist of a main building, four stories high, subdivided by masonry walls into 3 main divisions, with openings protected by Underwriters doors; that the opening from the paint storage room on the 4th floor to the main building, is protected by Underwriters fireproof door; that the spraying, dipping and immersing materials are used on the 4th floor; that due to war conditions, it has been impossible to obtain the necessary material in quantities called for under the rules and in order to continue the business it is necessary to store large quantities; that the paint storage room is in a wing at the rear of the main building and of fireproof construction, ventilated by windows; that the building is sprinklered throughout being supplied by two 15,000 tanks on the roof and 1 siamese connection on the exterior of the building on Wallabout street and 1 siamese connection on Lynch street front; that fire drills are maintained; that watchmen and trained employees are able to operate the pumps to supply the sprinkler system in the event of fire.

Resolved, that the order of the fire commissioner, Order 94417-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that not more than 1,000 gallons of paint shall be stored as proposed; that such paint shall be in the original packages; that such storage shall be maintained in a fireproof room, as proposed; that there shall be a concrete sill not less than 6 in. in height erected at the doorway thereto; that the ventilation by windows shall be maintained and to effectuate same, there shall be an open louver section not less than 5 sq. ft.; that the sprinkler system shall comply with the requirements therefor, and shall be maintained to the satisfaction of the fire commissioner; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as modified by the Board under Cal. 376-43-S and 1549-23-A.

The remaining minutes of the Recessed Meeting of Tuesday Afternoon July 27, 1943, will be printed in the Bulletin of August 10, 1943.

NOTICE

Copies of the Official Directory of the City of New York for the year 1943 (The Little Green Book), containing the latest authentic information in relation to City, State and Federal Departments, Bureaus, Offices and

Courts, are now on sale at the office of the Supervisor of the City Record, Room 2213, Municipal Building, Manhattan. Price 50 cents; by mail, five cents per copy must be added for postage.

BULLETIN

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BOARD OF STANDARDS AND APPEALS

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

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CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, *Chief Clerk*

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TELEPHONE—WOrth 2-5600.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.

Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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Correction Affecting Calendar Number 762-38-BZ.

Tentative Draft of Certificate of Occupancy Rules Covering the Requirements for the Use, Occupancy or Construction of any Premises in Compliance with Existing Laws, Rules and Regulations.

COURT DECISION.

In the Matter of Alurion Realty Corp. v. Murdock, et al.—The premises are located at 245-259 West 41st Street and 260 West 42nd Street, Borough of Manhattan. The 41st Street portion of the premises, with 150 ft. frontage, is occupied as an open bus station, operated by the Public Service Interstate Transportation Co., as lessee. The portion of the premises on 42nd Street provides a waiting room and ticket office in connection therewith.

In 1936, an application was filed by the owners for a zoning variance, to permit the 41st Street portion of the premises to be occupied for the parking of more than five motor vehicles. Prior thereto, the premises had been unlawfully occupied for the same use and had been subject to court action. The variance granted by the Board on October 23, 1936 was for two years and was extended on October 11, 1938 for an additional term of two years, which expired by limitation on October 11, 1940. Thereafter, on February 18, 1941, an application for a further extension was made, which the Board accepted, subject to the usual procedure, in view of the amendment to the Zoning Resolution of June 28, 1940, making a bus station a prohibited use in a business district.

The bus station use had been permitted by the Department of Housing and Buildings as an interpretation of the Board's resolution of October 23, 1936, which use was confirmed by the Board by amended resolution of October 11, 1938. On October 20, 1942, the Board adopted a resolution, permitting the premises to be occupied as a bus station. At the time of this action, the records of the Department of Housing and Buildings had not been forwarded to the Board as required by Section 668, paragraph b, of the New York Charter. When such records were later received, it was found that the determination of the Borough Superintendent, on which the Board acted, was based on an application for a Certificate of Occupancy, which incorrectly described the premises as actually occupied for the parking of buses and for a waiting room, office, sale of tickets and accessory thereto. The Board thereupon deemed that the resolution adopted by the Board on October 20, 1942, should be rescinded to permit consideration after a proper application is filed with the Borough Superintendent, correctly describing the premises and use desired. The resolution was accordingly rescinded on December 8, 1942.

Upon court review, Mr. Justice Valente, at Supreme Court, Special Term, found as follows:

"Motion to dismiss the writ of certiorari is granted and the determination of the Board of Standards and Appeals affirmed. The question under review is the right of the Board to reopen and rehear an application for a variance of the Building Zone Resolution which had once been granted. Unquestionably, the Board did not have before it a complete set of papers so as to properly pass upon and decide the application. When the Board discovered this the matter was reopened and set down for rehearing. It seems well settled that a Board that has jurisdiction over a cause or matter has the right to reopen a proceeding upon its own motion when necessary. It is also to be noted that the decision of the Board to be reviewed merely rescinds the Board's prior resolution so as to permit the Board to hear the case on a proper set of papers. The decision of the Board did not rescind the renewal of the variance on the merits. It would appear, therefore, that the proceeding to review has been prematurely made. Review may be sought after there has been a final determination of the rights of the petitioners. Settle order." (N. Y. L. J. July 23, 1943.)

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| 380-43-A | F.D. | 147-151 West 15th street, north side, 230 ft. east of Seventh avenue (Block 791, Lot 13), Borough of Manhattan, 34273-L.C. and Decision. |
| 381-43-S | H.B.M. | 915-919 Broadway and 10 East 21st street, southwest corner (9th floor); (Block 849, Lot 70), Borough of Manhattan, Decision. |
| 382-43-A | H.B.B. | 150 Ocean parkway, west side, 395 ft. south of Caton avenue (Block 5328, Lot 30), Borough of Brooklyn, Alt. 2307-43. |
| 383-43-A | F.D. | Re: Transportation of Fuel, lighter than Nos. 5 and 6 in Tank Trucks (capacity of tanks not in conformity with Administrative Code Specifications covering Tank Trucks), in New York City, 34727-C and 34728-C. |
| 384-43-SM | | Agfa Ansco Division of General Aniline and Film Corporation Cardboard Container for Motion Picture Film, manufactured by Agfa Ansco Division of General Aniline and Film Corporation, Material. |
| 385-43-A | H.B.Q. | 150-01 Union turnpike, northeast corner of 150th street (Block 6712, Lots 16 and 17), Flushing, Borough of Queens, (Under Section 35, General City Law re bed of mapped street—150th street), misc. 1813-43. |
| 386-43-SA | | Security Fire Door Company, Type DLS Interlock, Appliance. |
| 387-43-S | F.D. | 653 11th avenue, 602 West 48th street, southwest corner and 601 West 47th street (5th floor); (Block 1095, Lot 35), Borough of Manhattan, Decision. |

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

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Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

SEPTEMBER 14, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 14, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

82-43-BZ—Application of James A. Boyle, applicant, on behalf of Louis L. Ahlers and Mary Fromer, owners (Celtic Circle, Inc., Sheepshead Bay Unit No. 1, lessee), reopened and restored to calendar, July 20, 1943, under section 7c of the zoning resolution, to permit partly in a residence use and partly in a business use district, the erection of a grandstand for an athletic field, the use of which is primarily for business purposes (previously dismissed for lack of prosecution); premises 1232-1254 Avenue Z and 2602-2644 East 13th street, southwest corner and 2601-2649 Homecrest avenue (Block 7457, Lots 1 and 15), Borough of Brooklyn.

CALENDAR

663-42-BZ—Application, September 8, 1942, under sections 7e and 21 of the zoning resolution, of Jacob Beller, applicant, on behalf of Henrietta Coopersmith, owner (Annie Oakley, lessee), to permit in a residence use district, for a term of two years, the conversion of occupancy of an existing frame structure, to a stable for more than five horses and also, as a riding academy; premises 90-17 71st avenue and 70-67 to 70-79 Walnut street, northwest corner (Block 3899, Lot 1), Forest Hills, Borough of Queens.

282-35-BZ—Application of Paul Friedman, applicant, on behalf of Bay Parkway Holding Corporation, owner (Empire Chevrolet, Inc., lessee), reopened July 20, 1943, under section 7f of the zoning resolution, to permit in a business use district, for a term of five years, the conversion of occupancy of the use of the premises as office, five car garage and auto laundry to office, lubricatorium, auto laundry and gasoline service station; premises 1159-1167 Utica avenue and 5002-5010 Clarendon road, southeast corner (Block 4771, Lot 1), Borough of Brooklyn.

Appeals from Administrative Decisions.

332-43-A—77-52 74th street, west side, 89 ft. north of 78th avenue (Block 3811, Lot 29), Glendale, Borough of Queens.

346-43-A—87-86 188th street, west side, 100 ft. north of Hillside avenue (Block 9960 (1007), Lot 56 (1)), Hollis, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

SEPTEMBER 14, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon, September 14, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

746-42-A—241 West 72nd street, north side, 280 ft. 5½ in. west of Broadway (Block 1164, Lot 15), Borough of Manhattan.

267-43-A—Re packaging of combustible mixture, known as "Neptune Waterproof Belt Cement," in one-quart and one-pint glass bottles (capacity of glass bottles not in conformity with Administrative Code Specifications).

910-39-A—107-111 Myrtle avenue, north side, 21 ft. west of Bridge street (Block 143, Lot 30), Borough of Brooklyn (reopened July 13, 1943).

710-42-S—57-02 48th street (Block 24552, Lot 24), Maspeth, Borough of Queens.

52-43-A—645-669 73rd street, north side, 203 ft. 8 in. west of Seventh avenue and 656-674 72nd street (Block 5911, Lot 31), Borough of Brooklyn.

313-43-A—28 South 9th street, south side, 98 ft. east of Kent avenue (Block 2144, Lot 10), Borough of Brooklyn.

252-42-A—296-302 7th street, south side, 214 ft. 4 in. west of Fifth avenue (Block 998, Lots 26, 28 and 29), Borough of Brooklyn, (reopened and restored to calendar, November 10, 1942; previously withdrawn).

364-43-A—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

615-42-A—1680 Broadway, east side, 104 ft. south of West 53rd street (Block 1024, Lot 38), Borough of Manhattan.

369-43-A—1764-1768 and 1770 Circumferential parkway, northwest corner of Bay 37th street (Block 6942, Lots 17 and 92), Borough of Brooklyn.

635-41-A—398-408 Riverdale avenue, southwest corner of Junius street (Block 3831, Lot 25), Borough of Brooklyn (reopened May 4, 1943; previously withdrawn).

99-43-A—770-774 Eastern parkway, south side, 90 ft. west of Kingston avenue (Block 1271; Lot 31), Borough of Brooklyn.

331-43-A—30-89 32nd street, east side, 125 ft. north of 31st avenue (Block 616, Lot 2), Long Island City, Borough of Queens.

372-43-S—442-448 Fourth avenue, northwest corner of East 30th street (Block 860, Lot 37), Borough of Manhattan.

375-43-A—442-448 Fourth avenue, northwest corner of East 30th street (Block 860, Lot 37), Borough of Manhattan.

47-43-A—3064 Brighton 4th street, west side, 124 ft. north of Brighton Beach avenue (Block 7284, Lot 1260), Borough of Brooklyn.

709-42-A—199 Broadway, north side, 25 ft. 5¼ in. west of Washington Plaza (Block 2444, Lot 92), Borough of Brooklyn.

382-43-A—150 Ocean parkway, west side, 395 ft. south of Caton avenue (Block 5328, Lot 30), Borough of Brooklyn.

255-43-A—28-53 216th street, north side, 477.32 ft. east of 28th avenue (Block 6019, Lot 1), Bayside, Borough of Queens (under section 35, General City Law—re bed of mapped street—29th avenue).

385-43-A—150-01 Union Turnpike, northeast corner of 150th street (Block 6712, Lots 16 and 17), Flushing, Borough of Queens (under section 35, General City Law re bed of mapped street—150th street).

HARRIS H. MURDOCK, *Chairman.*

SEPTEMBER 21, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning, September 21, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Zoning Application.

258-35-BZ—Application of Henry C. Brucker, applicant, on behalf of Octagon Laundry, Inc., owner, reopened July 27, 1943, re amendment to resolution—re Application, previously granted on condition, under section 7b of the zoning resolution, permitting the extension from a business use district into a residence use district, of an existing wet wash laundry and the erection, partly in a business use district and partly in a residence use district, of a proposed garage for more than five motor vehicles as an accessory to the laundry; premises 2120-2124 Menahan street (rear), south side, 185.96 ft. east of Grandview avenue (Block 3373, Lot 18), Ridgewood, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

SEPTEMBER 21, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, September 21, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions.

191-43-A—15 West 77th street and Central Park West at 79th street (Block 1130, Lot 1), Borough of Manhattan.

12-43-A—679 Broadway, west side, 25 ft. south of West 3rd street (Block 532, Lot 10), Borough of Manhattan.

658-42-A—45 Roebling street, southeast corner of North 9th street (Block 2314, Lot 5), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 19, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, October 19, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Zoning Application.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

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BOARD OF STANDARDS AND APPEALS

CONTINUATION OF RECESSED MEETING OF JULY 27, 1943

268-43-S

APPLICANT—Brewster Aeronautical Corporation, lessee, for Schulte Realty Corporation, owner.

SUBJECT—Variation of the labor law as cited in an order of the fire commissioner.

PREMISES AFFECTED—47-39 Austel place (Anable avenue), northwest corner of 27th (Creek) street (Block 97, Lot 4), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Merwin Lewis and William Landry.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Application granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (268-43-S)

WHEREAS, Brewster Aeronautical Corporation, lessee for Schulte Realty Corporation, owner, filed June 2, 1943, an application for variation of the Labor Law as cited in an order of the fire commissioner, affecting premises 47-39 Austel place (Anable avenue) northwest corner of 27th street (Creek street); (Block 97, Lot 4), Long Island City, Borough of Queens; and

WHEREAS, Order 10470-LF, issued by the fire commissioner May 3, 1943, reads:

"1. Arrange doors for termination of stairs so they can be opened from both sides. Sec. 272 of Labor Law."

and

WHEREAS, the applicant states the building is 3 stories and penthouse (42 ft.) in height, 400 ft. by 100 ft. in area; of Class 1 construction; located in an unrestricted use district; erected 1916, used and occupied as follows: cellar, boiler room, 2 persons; 1st floor, manufacturing airplane parts, 650 persons; 2nd floor, manufacturing airplane parts, 600 persons; 3rd floor, manufacturing airplane parts, 570 persons; pent house, 120 persons; that the building is equipped with a two source sprinkler system; interior fire alarm system and fire drills are maintained; that there are five 44 in. fireproof stairs leading from roof bulkhead directly to the street; and

WHEREAS, the applicant contends that there are five doors involved, each located at the termination of the

stairs and each equipped with a panic bolt; that the plant is now engaged in manufacturing airplane bodies for the U. S. Government; that District Security Office of the U. S. Navy has directed the maintenance of these panic bolts; and

WHEREAS, the applicant has filed a copy of recommendation of the District Security Office, U. S. Navy, recommending the installation of panic locks on the street level exits from fire towers; and

WHEREAS, the applicant has informed the Board that a new certificate of occupancy has been applied for; that the borough superintendent has advised the applicant that such certificate will not be issued until the fire alarm system has been approved by the Fire Dept. and that the approval of such fire alarm system by the Fire Dept. cannot be given until this appeal is disposed of.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the Labor Law as cited in an order of the fire commissioner, Order 10470-LF, and that the application be and it hereby is granted on condition that panic bolts shall be installed only on doors opening to the street from the five means of exit as proposed and as indicated on plans filed with this appeal; that such panic bolts shall be of an approved type; that the two source sprinkler system, fire alarm system and fire drills shall be maintained to the satisfaction of the fire commissioner; that this variance is granted only for the term of the present emergency; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

296-43-A

APPLICANT—Allan L. Church of Church and Aragona, for Estate of P. F. T. Hansen, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—336 Greenwich street, west side, 26 ft. 5 in. north of Jay street (Block 182, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: Allan L. Church.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

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THE RESOLUTION (296-43-A)

WHEREAS, Church and Aragona, for Estate of P. F. T. Hansen, owner, filed June 16, 1943, an appeal from a decision of the borough superintendent, affecting 336 Greenwich street, west side, 26 ft. 5 in. north of Jay street (Block 182, Lot 16), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent dated June 15, 1943 on Alt. Applic. 3107-40, reads:

"1. Marquise as shown contrary to 2.4.1 B. C., as to construction and drainage and distances from each side of door openings. Location of awning not lawful except for building of uses as per this Section."

and
WHEREAS, the applicant states the building is five stories (55 ft.) in height; 22 ft. 4 in. by 70 ft. in area; of Class 3 construction; erected over 50 years ago, located in an unrestricted use district and used for the storage of butter and eggs; and

WHEREAS, Violation No. 1456 was issued February 11, 1943, for changing the supports of marquise without first obtaining approval and permit; and

WHEREAS, the applicant contends that the marquise is existing and only requires minor repairs and alterations, as shown on plans filed with the borough superintendent under Alt. Applic. 3107-40 and that these repairs and alterations are necessary, due to the removal of the 9th avenue elevated structure and the proposed widening of Greenwich street.

Resolved, that the decision of the borough superintendent on Alt. Applic. 3107-40, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted* for a term of two years, to permit the continuance of the existing marquise, *on condition* that no part of the marquise shall be within two feet of the proposed new curb line on Greenwich street; that in all other respects, the marquise shall comply with the requirements therefor, and shall be continued as above permitted only during the time the street floor is occupied by the concern dealing in food products at wholesale.

297-43-A

APPLICANT—Allan L. Church of Church and Aragona, for Estate of P. F. T. Hansen, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—356 Greenwich street, west side, 75 ft. 10 in. south of Franklin street (Block 183, Lot 14), Borough of Manhattan.

APPEARANCES—

For Applicant: Allan L. Church.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (297-43-A)

WHEREAS, Allan L. Church, for Estate of P. F. T. Hansen, owner, filed June 16, 1943 an appeal from a decision of the borough superintendent, affecting premises 356 Greenwich street, west side, 75 ft. 10 in. south of Franklin street (Block 183, Lot 14), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent dated June 15, 1943 on Alt. Applic. 3192-40, reads:

"1. Marquise shown on plans contrary to 2.4.1.4.8 B. Code. Incombustible materials required and adequately supported from building and drained, also with maximum of 2 ft. facias and 10 ft. above sidewalk. Reconsideration denied."

and
WHEREAS, the applicant states that the building is five stories (55 ft.) in height, 24 ft. 10 in. by 70 ft. in area, of Class 3 construction, erected 50 years ago, located in an

unrestricted use district and used for storage of provisions; and

WHEREAS, Violation 1337-43 issued February 9, 1943 was for having changed supports of marquise without obtaining a permit; and

WHEREAS, the applicant contends that the marquise is existing and requires only minor repairs and alterations, as shown on plans filed with Alt. Applic. 3192-40; that these repairs and alterations are necessary, due to the removal of the 9th avenue elevated structure and the proposed widening of Greenwich street.

Resolved, that the decision of the borough superintendent on Alt. Applic. 3192-40, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted* for a term of two years, to permit the continuance of the existing marquise, *on condition* that no part of the marquise shall be within two feet of the proposed new curb line on Greenwich street; that in all other respects, the marquise shall comply with the requirements therefor, and shall be continued as above permitted only during the time the street floor is occupied by the concern dealing in food products at wholesale.

305-43-A

APPLICANT—William W. Knowles, for Frederick Russell, owner (B. Geller, lessee).

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—5-39 48th avenue, north side, 200 ft. west of Vernon avenue (Block 30, Lot 9), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: William W. Knowles.

For Administration: Insp. Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (305-43-A)

WHEREAS, William W. Knowles, for Frederick Russell, owner (B. Geller, lessee), filed June 21, 1943, an appeal from a decision of the borough superintendent, affecting premises 5-39 48th avenue, north side, 200 ft. west of Vernon avenue (Block 30, Lot 9), Long Island City, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated June 17, 1943 on Alt. Applic. 1471-42, reads:

"1. The mezzanine floor is too weak for the minimum assumed live load of 120 lbs. per sq. ft. required for storage use (Sec. 7.3.2.3)."

and

WHEREAS, the applicant states the building is four stories (58 ft. 6 in.) in height; 136 ft. 7½ in. by 100 ft. in area; of Class 6 construction; erected 1914; located in an unrestricted use district; equipped with a sprinkler system and used as follows: cellar, sign maker, 10 persons; 1st floor, bakers' supplies and laundry dryers, 14 persons; 2nd floor, manufacturing small metal parts, 65 persons; 3rd floor, same, 75 persons; 4th floor, same, 8 persons; and

WHEREAS, the applicant contends that 10 or more years ago, a mezzanine was constructed between the 1st and 2nd floors and has since been added to until it had a floor area of 3,600 sq. ft.; that it is now proposed to remove a portion, so that the area will be not more than 2,500 sq. ft.; that the easterly half of the 1st floor is occupied by manufacturers of bakers' and confectioners' specialties; that all the manufacturing is done on the 1st floor, with a live load of 150 lbs. per sq. ft. and the mezzanine is used for dead storage of tin and carboard containers; that no work is done on the mezzanine, except by 1 person, in an experimental kitchen and two clerks in an office in the front; that the

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greatest live load imposed by these empty containers, is 44 lbs. per sq. ft.; that the mezzanine is designed to carry 47 lbs. per sq. ft. and has served this purpose without deflection for more than 10 years; that the heaviest loadings are over the girders and it is therefore requested that the Board permit the 2,500 sq. ft. mezzanine to remain and be posted to carry a safe load of 47 lbs. per sq. ft. for the dead storage of empty tin and cardboard containers.

Resolved, that the decision of the borough superintendent on Alt. Applic. 1471-42, be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to objection 1, *on condition* that the existing mezzanine shall be reduced, as proposed, to not over 2,500 square feet and shall be posted for loading of not over 47 lbs. per superficial foot and shall be used only as proposed for the storage of unfilled containers and with one person operating an experimental kitchen and one office with not over two persons therein; that the extent of the mezzanine and the stairways leading thereto, shall be substantially as indicated on the plans filed with this appeal; that the mezzanine shall be removed within two years from the date of this resolution; that the sprinkler system over and under the mezzanine shall be maintained to the satisfaction of the fire commissioner; that adequate aisles shall be maintained on the mezzanine and below; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

308-43-A

APPLICANT—A. Gordon Lorimer, Chief of Bureau of Architecture, for Department of Public Works, City of New York, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—Welfare Island, opposite East 80th street (Block 1373, Lot 13), East River, Borough of Manhattan.

APPEARANCES—

For Applicant: Abraham Prober.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (308-43-A)

WHEREAS, A. Gordon Lorimer, for the Department of Public Works of the City of New York, owner, filed on June 25, 1943, an appeal from a decision of the borough superintendent, affecting premises: Welfare Island opposite 80th street (proposed Chronic Disease Hospital); (Block 1373, Lot 13), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent dated May 26, 1943, reads:

"Your letter of May 19th together with sketch dated May 17, 1943, illustrating the proposed trough urinal to be used in the above premises has been forwarded to me for answer.

You are advised that this installation may not be approved by this department as it is contrary to the requirements of Sec. C-26-1276.0, para. d, and Sec. C26-1277.0, par. c. of the Administrative Code."

and

WHEREAS, the applicant states that the proposed building will be of Class 1 construction; located in an unrestricted use district, equipped with a standpipe system and used as a hospital for chronic diseases; and

WHEREAS, the applicant contends that a large percentage of the patients will present a special problem in sanitation, due to their physical infirmities and that the proposed fixture is preferable to the individual urinal fixture

and requests the approval of the installation of the proposed trough urinal in this particular installation.

Resolved, that the decision of the borough superintendent dated May 26, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the fixture proposed shall comply with all laws, rules and regulations applicable thereto, other than as proposed and as indicated on the plans filed with this appeal, *on condition* that automatic cycle of flushing shall be maintained with not over five minute intervals.

326-43-A

APPLICANT—Goodwill Industries of Brooklyn, Inc., owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—369-373 DeKalb avenue, northeast corner of Grand avenue (Block 1921, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: William Milligan Park.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (326-43-A)

WHEREAS, Goodwill Industries of Brooklyn, Inc., applicant and owner, filed June 29, 1943, an appeal from an order and decision of the fire commissioner, affecting premises 369-373 DeKalb avenue, northeast corner of Grand avenue (Block 1921, Lot 1), Borough of Brooklyn; and

WHEREAS, Order 5316-LF issued by the fire commissioner October 7, 1940, reads:

"1. Place the local alarms for sprinkler system in proper working order by complying with the following:

B. Provide a 4 in. high and low water alarm bell for gravity tank also an 8 in. water flow alarm bell. Art. 16, Chapt. 26, Admin. Code."

and

WHEREAS, applicant states the building is 5 stories and basement, 100 ft. by 150 ft. in area; Class 6 construction; equipped with a sprinkler system; located in an unrestricted use district and occupied: Cellar, heating and baling of salvage, 6 persons; 1st floor, retail store, 10 persons; 2nd floor, clothing and shoe repairing, 10 persons; 3rd floor, furniture repairing, 10 persons; 4th floor, toy and electrical repairing, 6 persons; 5th floor, storage of furniture, 2 persons; and

WHEREAS, applicant states that the sprinkler system is more than 20 years old and that at no time in the past has the necessity of the installation of the bell in question been brought to the attention of the owner; that to install the bell now would be an expensive proposition and require a high priority rating; that there are less than 50 persons employed in the building and there are two night watchmen who ring a clock every hour and an approved fire alarm system has been installed; that the occupancy of the building is not hazardous and it is therefore requested the Board permit the omission of the bells.

Resolved, that Order 5316-L of the fire commissioner be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to item 1 for the term of the present emergency, *on condition* that the requirements shall be complied with as soon as material can be obtained; that priority for same shall be immediately applied for; that in the meantime, the building shall be subjected to 24 hour watchman supervision to check available roof water supply for the sprinkler system.

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328-43-A

APPLICANT—Brown, Wheelock, Harris, Stevens, Inc.,
for William Bard Johnstone, et al., owners.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—22 West 25th street, south
side 260 ft. 3 in. west of Broadway (Block 826,
Lot 56), Borough of Manhattan.

APPEARANCES—

For Applicant: Chester Fullwood

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (328-43-A)

WHEREAS, Brown, Wheelock, Harris, Stevens, Inc., applicant for William Bard Johnstone, et al., owners, filed June 21, 1943, an appeal from an order of the fire commissioner, affecting premises 22 West 25th street, south side, 260 ft. 3 in. west of Broadway (Block 826, Lot 56), Borough of Manhattan; and

WHEREAS, Order 18025-LF, issued by the Fire Commissioner May 23, 1943, reads:

"1. Replace missing iron shutters at all openings in the exterior wall which are distant in a direct line less than 30 ft. from any opening in any other building and not in the same plane with said openings and which are not more than 50 ft. above a neighboring roof at rear side of building, or other approved protection. 491a2-2.0 Adm. Code."

and

WHEREAS, applicant states the building is 5 stories (about 50 ft.) in height, 25 ft. by 88 ft. in area at 1st floor; 25 ft. by 60 ft. in area at typical floor; erected in 1860 and located in a business use district; occupied: 1st floor, lunchroom, dealer in second hand sewing machines, 9 persons; 2nd floor, office and stock room, 3 persons; 3rd, 4th and 5th floors, stockroom, 0 persons; and

WHEREAS, applicant contends that the material necessary to comply with the fire commissioner's order is not available and it is therefore requested the Board hold the execution of the order in abeyance for the duration of the War.

Resolved, that the order of the fire commissioner, Order 18025-LF, be and it hereby is *modified* and that the appeal be and it hereby is *granted* for the term of the present emergency, only so long as no openings are existing in the adjoining buildings to the east and all windows in the adjoining buildings to the west and south are fireproof, glazed with wire glass, as indicated on plans filed with this appeal and *on condition* that an application shall be made meanwhile for a priority for the purpose of obtaining these shutters or fireproof windows to comply with the order of the fire commissioner; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

330-43-A

APPLICANT—John Burke, for Salvatore Castellano,
owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—126 35th street and 931-939
Third avenue, southeast corner (Block 692, Lot 12),
Borough of Brooklyn.

APPEARANCES—

For Applicant: John Burke.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (330-43-A)

WHEREAS, John Burke, applicant, for Salvatore Castellano, owner, filed June 30, 1943, an appeal from a decision of the borough superintendent, affecting premises 126 35th street and 931-939 Third avenue, southeast corner (Block 692, Lot 12), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent, dated June 29, 1943, on Alt. Applic. 1747-43, reads:

"1. Changing occupancy from residence to business use in a frame bldg. is contrary to section 2.1.3.5 and 4.2.1 of Bldg. Code."

and

WHEREAS, applicant states the building is one story, (13 ft.) in height, 16 ft. 6 in. by 47 ft. in area; Class 4 construction; erected in 1900; located in an unrestricted use district; occupied: cellar, ordinary; 1st floor, one family; proposed to be used: cellar, same; 1st floor, restaurant and lunchroom, 40 persons; and

WHEREAS, it is proposed to remove all the present non-bearing partitions and erect new partitions; to fire-retard inside wall partitions and ceiling of first story, also cellar ceiling with Rock lath and two coats of cement mortar; also to cut in new openings for show windows; remove present stairs to cellar from first floor; remove present front chimney and all present plumbing fixtures and to provide new plumbing fixtures all as shown on plans filed with the borough superintendent; and

WHEREAS, applicant contends that the present building has not been occupied since the widening of Third avenue for Belt Parkway, which is about three years; that the outside of the building is now covered with asphalt shingles; that the building will comply in all other respects with the requirements therefor.

Resolved, that the decision of the borough superintendent, acting on Alt. Applic. 1747-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall not be increased in height or area; that there shall be no extension of the proposed use into any addition or into the adjoining frame building; that the building shall be fire-retarded and rearranged substantially as proposed and as indicated on plans filed with the borough superintendent and marked "Received June 14, 1943"; that the space between the studs of the two-story building adjoining the one-story building, shall be filled with brick or rock wool to a density of 7 lbs. per cubic foot up to the top of the one-story building.

334-43-S

APPLICANT—Paul Friedman, for Reldon Realty Co., Inc.,
owner (Joseph Maiorana and Chester Loo, lessees).

SUBJECT—Variation of the labor law as cited in a decision of the acting borough superintendent.

PREMISES AFFECTED—123-03 Liberty avenue, north
side, 25.16 ft. east of 123rd street (2nd floor);
(Block 9560, Lot 35), Richmond Hill, Borough of
Queens.

APPEARANCES—

For Applicant: Paul Friedman.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (334-43-S)

WHEREAS, Paul Friedman, for Reldon Realty Co., Inc., owner (Joseph Maiorana and Chester Loo, lessees), filed

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July 1, 1943, an application for variation of the labor law as cited in a decision of the acting borough superintendent; affecting premises 123-03 Liberty avenue, north side, 25.16 ft. east of 123rd street (2nd floor); (Block 9560, Lot 35), Richmond Hill, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated April 26, 1943, reconsideration denied June 2, 1943, on Alt. Applic. 516-43, reads:

"1. Two enclosed fireproof stairways leading from the 2nd story to the street, are required (sec. 270-Labor Law)."

and

WHEREAS, the applicant states the building is two stories, (28 ft.) in height, 25.16 ft. by 85.93 ft., irregular, in area, at 1st floor; 25.16 ft. by 77 ft. 6 in. in area at typical floor; Class 3 construction; erected in 1926; located in a business use district and occupied 1st floor, restaurant, 150 persons; 2nd floor, offices, 16 persons; proposed to be used: 1st floor, restaurant, 150 persons; 2nd floor, manufacturing of blouses, 16 persons; that the building is equipped with one 3 ft. 8 in wood stairs, enclosed with wood lath and plaster on wood studs, equipped with wood doors and fire escape at rear leading to yard with egress to street through gate in fence; that windows on the course of fire escape are glazed with wire glass; and

WHEREAS, Violation 629-43 was issued for occupying the 2nd story as a factory inconsistent with the last certificate of occupancy; and

WHEREAS, Certificate of Occupancy 32890 was issued September 30, 1927, permitting the use of building as follows: 1st floor, store, 120 lbs. liveload; 2nd floor, restaurant, 90 lbs. liveload; no number of persons stated; and

WHEREAS, the applicant contends that it is proposed to install on the 2nd floor, a ladder and scuttle to the roof and to make alterations to the existing stairway as the Board may require in the interest of public safety; that it is also proposed to provide a gate in the fence at the rear, to give access to the adjoining property and that it is requested that the decision of the borough superintendent be modified and the appeal granted, subject to such conditions as the Board may impose.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the borough superintendent on Alt. Applic. 516-43, Objection 1, and that the application be and it hereby is *granted on condition* that the primary means of exit shall be enclosed in fire-retarded partitions with fireproof self-closing doors thereto; that the stair to the cellar underneath the primary means of exit, shall be fire-retarded, including the soffit under stairs to second floor; that the second means of exit may be maintained as proposed, namely, a rear fire escape as indicated on plans filed with the borough superintendent marked "Received April 16, 1943," provided permission is obtained from the adjoining owner to cross his property so as to provide a direct exit from the foot of such fire escape to the street and provided such permission is filed with the borough superintendent before permit is issued; that all doors from the first floor and second floor to the street, shall swing outwardly; that such doors from the restaurant shall be provided as the borough superintendent requires; that the floor load of the second floor shall be not less than 90 lbs. per superficial foot and the actual loading shall at no time exceed such loading; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as modified by the Board under Calendar 335-43-A.

335-43-A

APPLICANT—Paul Friedman, for Reldon Realty Co., Inc., owner (Joseph Maiorana and Chester Loo, lessees).

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—123-03 Liberty avenue, north side, 25.16 ft. east of 123rd street (2nd floor); (Block 9560, Lot 35), Richmond Hill, Borough of Queens.

APPEARANCES—

For Applicant: Paul Friedman.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (335-43-A).

WHEREAS, Paul Friedman, for Reldon Realty Co., Inc., owner (Joseph Maiorana and Chester Loo, lessees), filed July 1, 1943, an appeal from a decision of the acting borough superintendent, affecting premises 123-03 Liberty avenue, north side, 25.16 ft. east of 123rd street (2nd floor); (Block 9560, Lot 35), Richmond Hill, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated April 26, 1943, reconsideration denied June 2, 1943, on Alt. Applic. 516-43, reads:

"2. The approved live load for the 2nd story is insufficient. The required design load is 120 lbs. per sq. ft. (sec. 7.3.2.3.—Building Code).

3. Two doorways opening on the street are required in the 1st story (sec. 6.1.2.2.1 or 6.1.2.2.2—Building Code)."

and

WHEREAS, the applicant states the building is two stories (28 ft.) in height; 25.16 ft. by 85.93 ft., irregular in area at 1st floor; 25.16 ft. by 77 ft. 6 in. in area at typical floor; Class 3 construction; erected in 1926; located in a business use district and occupied: 1st floor, restaurant, 150 persons; 2nd floor, offices, 16 persons; proposed to be used: 1st floor, restaurant, 150 persons; 2nd floor, manufacturing of blouses, 16 persons and that the building is equipped with one 3 ft. 8 in. stairs; and

WHEREAS, the applicant contends that the existing live-loads are adequate for the proposed occupancy, because of the light weight of the machines and their dispersal over the floor area; that the certificate of occupancy certifies to a liveload of 90 lbs. per sq. ft.; a very small portion of the floor will be occupied by sewing machine or power tables; that a portion of the floor where the greatest liveload is concentrated, 14 machines, including tables, weigh approximately 1,400 lbs. in aggregate and occupy less than 112 sq. ft.; that the doorway opening on street front 1st floor is an existing condition; that it is proposed to give access to street through rear from adjoining premises and it is requested this be accepted by the Board as a satisfactory equivalent.

Resolved, that the decision of the borough superintendent on Alt. Applic. 516-43, Objections 2 and 3, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the requirements of the resolution adopted by the Board under Cal. No. 334-43-S are complied with.

339-43-S

APPLICANT—American Radio Hardware Co., Inc., lessee, for 476 Broadway Realty Corporation, owner.

SUBJECT—Variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—476 Broadway, east side, 121 ft. south of Broome street and 38 Crosby street (7th and 8th floors); (Block 473, Lot 8), Borough of Manhattan.

APPEARANCES—

For Applicant: Saul L. Harris and Perle H. Prop-
per.

For Administration: Insp. Maher, Fire Dep't.

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ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION—(339-43-A)

WHEREAS, American Radio Hardware Co., Inc., lessee, for 476 Broadway Realty Corporation, owner, filed July 2, 1943 an application for variation of the requirements of the Labor Law as cited in a decision of the fire commissioner, affecting premises 476 Broadway, east side, 121 ft. south of Broome street and 38 Crosby street (7th and 8th floors); (Block 473, Lot 8), Borough of Manhattan; and

WHEREAS, the decision of the fire commissioner dated June 4, 1943 reads:

"In reply to your request to install panic bolts on the factory exit doors from the 7th and 8th stories of the above premises, you are advised as follows:

Section 272, subd. 3 of the State Labor Law requires that no door leading into or out of any factory shall be locked, bolted or fastened during working hours. Your request must therefore be denied."

and

WHEREAS, the applicant states that the building is 11 stories (approximately 115 ft.) in height, 49.10 ft. by 199 ft. in area, of Class 1 construction, erected in 1871, located in an unrestricted use district and used and occupied as follows: basement, jobbers in cotton goods and upholstery fabrics, 6 persons; 1st floor, manufacturing of thread, 50 persons; 2nd floor, manufacturing of thread, 20 persons; 3rd floor, manufacturing of suspenders, 18 persons; 4th floor, manufacturing of belts, 25 persons; 5th floor, printers, 20 persons; 6th floor, manufacturing of belts, 25 persons; 7th floor, manufacturing radio parts, 125 persons; 8th floor, manufacturing of radio parts, 100 persons; 9th floor, manufacturing raincoats, 72 persons; 10th floor, manufacturing radio parts, 100 persons; that the building is equipped with a two-source sprinkler system, standpipe system, interior fire alarm system and fire drills are maintained; that there are two fireproof interior stairs leading from roof bulkhead to street, each approximately 5 ft. in width and that no certificate of occupancy has been issued for the building; and

WHEREAS, the applicant contends that panic bolts have been installed on the rear doors of the 7th and 8th floors, which are occupied for manufacturing communication equipment for the armed services; that the panic bolts were installed by direction of the Metropolitan Military District, Second Service Command of the U. S. Army and it is requested that the Board permit their continuance for the duration of the war; and

WHEREAS, the applicant has filed a copy of the recommendation of the U. S. Army Plant Protection Service recommending the installation of the panic bolts in question; and

WHEREAS, the records of the Fire Prevention Division indicate that there is no interior fire alarm system complying with the requirements and fire drills are not required to be maintained.

Resolved, that the decision of the fire commissioner dated June 4, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that panic bolts shall be installed only on the doors to the rear exit stairway on the 7th and 8th floors, as proposed and as recommended by the Plant Security Officer on the date of February 1, 1943; that such panic bolts shall be of an approved type; that the two-source sprinkler system and standpipe system shall be maintained to the satisfaction of the fire commissioner; that this variance shall continue only during the term of the present emergency; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

352-43-S

APPLICANT—Louis S. Weeks, for Defense Plant Corporation, owner (Lithalloys Corporation, lessee).

SUBJECT—Variation of the labor law as cited in a decision of the acting borough superintendent.

PREMISES AFFECTED—42-25 Ninth street, east side, 190 ft. north of 43rd avenue (1st, 2nd and 3rd floors); (Block 461, Lot 13), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: A. Catsano.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (352-43-S)

WHEREAS, Louis S. Weeks, for Defense Plant Corporation, owner (Lithalloys Corporation, lessee), filed July 8, 1943, an application for variation of the requirements of the Labor Law, as cited in a decision of the borough superintendent, affecting premises 42-25 Ninth street, east side 190 ft. north of 43rd avenue (Block 461, Lot 13), Long Island City, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated June 16, 1943, re Alt. Applic. 1038-42, reads:

"1. Door leading to exits must not be bolted or locked. Secs. 272-3 of Labor Law."

and

WHEREAS, applicant states the building is 3 stories and penthouse (52 ft.) in height, 78 ft. 6 in. by 100 ft. in area at 1st floor; 78 ft. 6 in. by 90 ft. in area at typical floor; Class 1 construction; erected in 1912; occupied: Cellar, storage and boilerroom, 20 persons; 1st floor, mfg. and assembly of lithium hydride devices, 50 persons; 2nd floor, offices and laboratory, 31 persons; penthouse—rest room—4 persons; that the building is equipped with an interior fire alarm system and fire drills are maintained; that one interior 3 ft. 8 in. fireproof stairs extends from roof bulkhead directly to the street and one fire escape at the rear extends from top story to yard by means of stationary iron stairs and that the windows on the course of same are fireproof self-closing; and

WHEREAS, the applicant contends that the panic bolts in question were installed on doors leading to the yard from 1st floor motor generator room; that the plant is engaged in the manufacture of secret process material for the Army Signal Corps and it is requested these panic bolts be permitted to remain; that the bolts in question are type "U" manufactured by the Vonnegut Hardware Co., which were approved by the Board under Cal. 907-42-SM; and

WHEREAS, the applicant has filed a copy of the recommendation of the Plant Protective Division of the U. S. Army, recommending that these panic bolts be permitted to remain.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law, as cited in a decision of the borough superintendent, acting on Alt. Applic. 1038-42, and that the application be and it hereby is *granted*, as to Objection 1, *on condition* that only the doors as proposed, leading to the yard from the first floor motor generator room, as indicated on plans filed herewith, shall have panic bolts; that such panic bolts shall be of an approved type; that the interior fire alarm system and fire drills shall be maintained in accordance with the requirements therefor and to the satisfaction of the fire commissioner; that this variance shall continue only for the term of the present emergency; that in all other respects the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

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355-43-S

APPLICANT—A. H. Salkowitz, for Relkums Realty Corporation, owner (Falcon Coat Co., lessee).

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—123-07 Liberty avenue, north side, 45 ft. east of 123rd street (Block 9560, Lot 33), Richmond Hill, Borough of Queens.

APPEARANCES—

For Applicant: Abraham H. Salkowitz.

For Administration: Fred Dahlem, Dep't. of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (355-43-S)

WHEREAS, A. H. Salkowitz, for Relkums Realty Corporation, owner (Falcon Coat Company, lessee), filed July 12, 1943, an application for variation of the labor law as cited in a decision of the borough superintendent, affecting 123-07 Liberty avenue, north side, 45 ft. east of 123rd street (Block 9506, Lot 33), Richmond Hill, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated June 21, 1943, on Alt. Applic. 304-43, reads:

"1. Stairways do not comply with Section 270 of the Labor Law in that they are of combustible material, their width and the doors leading to them are less than the minimum permitted, their enclosures are not of fireproof material and do not extend 3 ft. above roof with proper ventilation."

and

WHEREAS, the applicant states the building is two stories and cellar (27 ft.) in height; 35 ft. by 73.08 ft. average in area; of Class 3 construction; erected 1925 on a lot 35 ft. by approximately 80 ft. in depth; located in a business use district; and used since 1940 as follows: cellar, storage and boiler room; 1st floor, stores; 2nd floor, billiard room; proposed to be used: cellar, same, no persons; 1st and 2nd stories, manufacturing coats and dresses, 25 persons on the first floor and 50 persons on the second; that the building is equipped with two 3 ft. 8 in. wood stairs enclosed with partitions of metal lath cement plaster on wood studs, equipped with fireproof self-closing doors; that there is one fire escape at the rear of building, extending to roof by ladder with egress from yard to adjoining property and that the doors on the course of the fire escape are fireproof self-closing; and

WHEREAS, the applicant contends that the building will be occupied for the manufacture of coats and dresses on the 1st and 2nd floors; that the area to be used for manufacturing will not exceed the area of the plot; that the ceilings throughout are covered with 26 gauge metal; that existing stairhalls, which are located on opposite sides of building are fire retarded on both sides with metal lath and cement plaster; that all doors to stairhalls are fireproof self-closing; that present cellar stairs will be enclosed with cinder blocks and fireproof self-closing doors; that the second story has a fire escape balcony and drop ladder to yard at rear and that the door leading to the fire escape balcony, is fireproof and self-closing.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the Labor Law, as cited in a decision of the borough superintendent, acting on Alt. Applic. 304-43, Objection 1, and that the applicant be and it hereby is granted on condition that the building shall not be increased in height or area; that the building shall be arranged and maintained substantially as proposed and shall in all other respects, comply with the requirements of the labor law and all other laws, rules and regulations applicable thereto.

359-43-A

APPLICANT—Louis W. Kaufmann, owner (Alice Brown, lessee).

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—197 York avenue, east side, 150 ft. south of Carlyle street (Block 48, Lot 19), New Brighton, Borough of Richmond.

APPEARANCES—

For Applicant: Louis W. Kaufmann.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (359-43-A)

WHEREAS, Louis W. Kaufmann, applicant and owner, for Alice Brown, lessee, filed July 13, 1943, an appeal from a decision of the borough superintendent affecting premises 197 York avenue, east side, 150 ft. south of Carlyle street (Block 48, Lot 19) New Brighton, Borough of Richmond; and

WHEREAS, the decision of the acting borough superintendent dated June 17, 1943, re B.N. Applic. 204-43, reads:

"1. This structure was converted from old law tenement use to two family occupancy and certificate of occupancy 801-1937, was issued for such use.

Application denied unless certificate of occupancy is revoked by Board of Standards and Appeals."

and

WHEREAS, applicant states the building is 3 stories, (30 ft.) in height, 22.6 ft. by 30.2 ft. in area; Class 4 construction; erected in 1898; used since prior to April 28, 1943 as follows: Cellar, ordinary; 1st floor, one family; 2nd and 3rd floors, combined, 1 family; proposed to be used: Cellar, ordinary; 1st floor, 1 family; 2nd floor, 1 family; 3rd floor, 1 family; and

WHEREAS, Certificate of Occupancy was issued May 27, 1937, permitting the use of the building as a two-family dwelling, one family on the 1st floor and one family on the 2nd and 3rd floors combined and contains the notation: "Building changed from old law tenement; and

WHEREAS, a violation was issued May 3, 1943, for converting the building to a Class A multiple dwelling without a certificate of occupancy; and

WHEREAS, the applicant contends that the building was erected prior to 1898 and occupied by three families and in due course of time with the new Multiple Dwelling Law, the occupancy of the building as a 3-family house is prohibited; that the building is arranged for 3 families; that the lessee has agreed to purchase the property and will be forced to discontinue further payments unless application is granted.

Resolved, that the decision of the borough superintendent acting on B. N. Applic. 204-43, Objection 1, be and it hereby is modified and that the appeal be and it hereby is granted, revoking Certificate of Occupancy No. 801-37, to permit the building to be restored to its former classification as an old law tenement upon compliance with the requirements of Article 7 of the Multiple Dwelling Law.

366-43-A

APPLICANT—The Austin Co., for Department of Marine and Aviation, City of New York, owner (American Airlines, Inc., lessee).

SUBJECT—Appeal from a decision of the fire commissioner.

PREMISES AFFECTED—North side of Grand Central parkway at 94th street, West Wing Hangar No. 5, LaGuardia Airport (Block 926, Lot 1), Jackson Heights, Borough of Queens.

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APPEARANCES—

For Applicant: C. F. Horneffur.
For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (366-43-A)

WHEREAS, The Austin Co., for Department of Marine and Aviation City of New York, owner (American Airlines, Inc., lessee), filed July 16, 1943, an appeal from a decision of the fire commissioner, affecting premises, north side of Grand Central parkway at 94th street, West Wing, Hangar No. 5, LaGuardia Airport (Block 926, Lot 1) Jackson Heights, Borough of Queens; and

WHEREAS, the decision of the fire commissioner, dated June 24, 1943, reads:

"A recent inspection made of the fire alarm system in the West Wing of Hangar No. 5 LaGuardia Airport, 94th Street and Grand Central Parkway, Jackson Heights, Queens, indicates that steel tubing installed is not of an approved type and should be replaced by standard heavy wall rigid iron or steel conduits and protected with an approved rust preventative in accordance with the Rules of the Board of Standards and Appeals.

The Fire Commissioner is left no discretion in the matter but to enforce the rules as written and a modification may be had only upon proper application to the Board, Room 1000, Municipal Building, Manhattan."

and

WHEREAS, applicant states the building is one story, (15 ft.) in height, 298 ft. 1½ in. by 113 ft. 3½ in. and 190 ft. 4 in. in area; Class 1 construction; erected in 1942 and used for the repair of airplane motors and parts, 200 persons; and

WHEREAS, applicant contends that the fire alarm system complies in every respect, except that the conduit installed is thin wall steel tubing, instead of heavy rigid iron or steel conduit and that 14 gauge metal boxes have been installed instead of 10 gauge boxes; that the conduit installed is electrical metallic "Sherardized" tubing, lacquered, as manufactured by the National Electric Products Company and bears Underwriters label and approved according to the National Electric Code; that the conduit is exposed, strapped against concrete ceilings with galvanized anchors every 4 feet and is in direct contact with masonry walls or concrete ceiling at all points; that all horizontal runs are on the ceiling approximately 14 ft. above the floor and the balance on walls down to a point connecting into top of alarm stations at 6 ft. above the floor; that the installation of the thin wall conduit instead of the heavy rigid conduit and 14 gauge metal boxes, was at the direction of the Navy Department and the War Production Board in the interest of conservation of critical material.

Resolved, that the decision of the fire commissioner dated June 24, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that in all other respects, the requirements for the system shall be complied with.

367-43-A

APPLICANT—Arthur F. Winter, for Ida Givertz and Thirty-fifth Street and Fifth Avenue Realty Co., owners (F. W. Woolworth Co., lessee).

SUBJECT—Appeal from orders and decisions of the fire commissioner.

PREMISES AFFECTED—366-370 Fifth Avenue, 2 West 35th street, southwest corner of 1 West 34th street, north side, 100 ft. west of Fifth avenue (Block 836, Lots 43 and 33), Borough of Manhattan.

APPEARANCES—

For Applicant: Arthur F. Winter.
For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (367-43-A)

WHEREAS, Arthur F. Winter, for Ida Givertz and Thirty-fifth Street and Fifth Avenue Realty Company, owners (F. W. Woolworth Company, lessee), filed June 16, 1943, an appeal from orders and decisions of the fire commissioner, affecting premises 366-370 Fifth avenue, and 2 west 35th street, southwest corner, and No. 1 West 34th street, north side, 100 ft. west of Fifth avenue (Block 836, Lots 33 and 43), Borough of Manhattan; and

WHEREAS, Order 16797-LF, issued by the fire commissioner January 6, 1943, relating to 366-370 Fifth avenue (Lot 43), reads:

"1. Provide a fixed fire extinguishing system or other means for the extinguishment of fire satisfactory to the fire commissioner, in the cellar. C19-161.0, Adm. Code."

and

WHEREAS, said order was referred to in a decision of the fire commissioner dated June 18, 1943, which reads:

"In reply to your request for reconsideration on Item 1 of Order 16797-LF requiring an approved type of a fire extinguishing system in the cellar of the above premises, you are advised as follows:

A reinspection has been made and in view of the large area of the sales and lunch space and the combustible nature of the goods sold, your request must be denied."

and

WHEREAS, Order 16806-LF, issued by the fire commissioner January 7, 1943, relating to 1 West 34th street (Lot 33), reads:

"1. Provide a fixed fire extinguishing system or other means for the extinguishment of fire satisfactory to the fire commissioner in cellar. C19-161.0 Adm. Code."

and

WHEREAS, said order was referred to in a decision of the fire commissioner dated June 18, 1943, which reads:

"In reply to your request for reconsideration of Item 1 of Order 16806-LF requiring an approved type of a fire extinguishing system in the cellar of the above premises, you are advised as follows:

A reinspection has been made and in view of the large area of the sales and lunch space and the combustible nature of the goods sold, your request must be denied."

and

WHEREAS, the applicant states that 366-370 Fifth avenue, and 2 West 35th street, Lot 43, is 12 stories (165 ft.) in height, 85 ft. 9 in. by 150 ft. in area; of Class 1 construction; erected in 1907, altered in 1928; located in a business use district and occupied: cellar, boiler room, 5 persons; basement, sales floor, 100 persons; 1st floor, sales floor, 100 persons; 2nd to 11th floors, offices, 75 persons each; 12th floor, stock room, 75 persons; and No. 1 West 34th street (Lot 33) is 12 stories (157 ft.) in height; 50 ft. by 112 ft. in area at 1st floor; 50 ft. by 107 ft. in area at typical floor; of Class 1 construction; erected in 1903 and altered in 1928; located in a business use district and used as follows: basement, sales floor, 100 persons; 1st floor, sales floor, 100 persons; 2nd floor, offices and kitchen, 75 persons; 3rd to 12th story, offices, 75 persons each; and

WHEREAS, the applicant contends as to 366-370 Fifth avenue, that in the basement, there is a public lunch counter along the southerly wall; that the balance of the basement is used for standard merchandise counters; that in this area

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there are two standpipes, one at the rear or westerly end of the basement, with 100 ft. of 2½ in. hose and the other at center of basement along the southerly wall equipped with 100 ft. of 2½ in. hose; that 35 pails have been distributed throughout this area; that from this basement area to the 1st floor, there is an 8 ft. wide staircase terminating behind the front entrance doors at Fifth avenue front; that there is also a fireproof stairway with fire door along the southerly wall at back of lunch counter; this stairway terminates on the 1st floor in the public lobby of the building at the Fifth avenue front; that in addition to these stairways, there are 8 ft. wide connecting stairways at south-west corner of this area, which lead up to the first floor of the 34th street building; and

WHEREAS, the applicant contends as to No. 1 West 34th street, that the first floor and basement of this building are used as public sales spaces; that the 1st floor is equipped with ordinary merchandise counters and a soda counter on the westerly wall towards the front; that at the rear of the 1st floor there is a standpipe outlet with 100 ft. of 2½ in. hose; that the basement of this building is used as a public cafeteria and equipped with one standpipe rack containing 100 ft. of 2½ in. hose at the center of the area along the easterly wall; that two 2½ gallon soda and acid extinguishers and 6 fire pails have been provided in this area; that along the westerly wall towards the front, there is a 6 ft. wide stairway leading from basement to first floor terminating on first floor directly in back of the door on West 34th street; that along the easterly wall towards the front, there is a stairway which leads directly to the public elevator lobby on the first floor, which in turn leads direct to grade on West 34th street; that in addition to these two stairways, there is also provided a 8 ft. wide connecting stairway between the cafeteria floor and the basement floor and the 35th street building, thus both basements and both 1st floors of both buildings are connected; that the stock room for receiving and storing of merchandise is not located in the basement or on the 1st floor; that these areas are used for public retail sales purposes only; that it has not been the custom to require sprinkler system in sales areas and the materials necessary to comply with the Fire Dept. orders are restricted by the Government and it is therefore requested that the Board rescind the order.

Resolved, that the orders of the fire commissioner, Orders 16797-LF and 16806-LF, be and they hereby are *modified* and that the appeals be and they hereby are *granted on condition* that the cellars subject to the orders, shall be used for display and cafeteria only, open to the general public and shall not be used for the general storage of merchandise; that the standpipe system shall be maintained to the satisfaction of the fire commissioner; that such portable fire fighting appliances shall be maintained throughout the premises as the fire commissioner shall direct; that the exits as described shall be maintained; that such automatic fire protection as the fire commissioner shall direct shall be installed in connection with the portions of the cafeteria where open flames occur.

371-43-A

APPLICANT—William J. Minogue, for Broome Mercer Corporation, owner.

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—448-450 Broome street, northeast corner of Mercer street (Block 484, Lots 31 and 32), Borough of Manhattan.

APPEARANCES—

For Applicant: William J. Minogue.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (371-43-A)

WHEREAS, William J. Minogue, for Broome Mercer Corporation, owner, filed July 20, 1943, an application for variation of the Labor Law as cited in a decision of the borough superintendent, affecting premises 448-450 Broome street, northeast corner of Mercer street (Block 484, Lots 31 and 32), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated July 19, 1943, on Alt. Applic. 482-43 and referring to No. 450 Broome street, reads:

"2. Building should be provided with two means of egress from every floor as per sec. 271 of Labor Law, and Factory Exit Rules of Bd. of Standards & Appeals. Note that an outside fire escape is not acceptable as top floor level is more than 90 ft. above curb level. (Rule 1 of Fact. Exit Rules.)

5. Openings to elevator hoistway should be protected by 1½ hr. f.p.s.c. doors.

8. Doors to boilerroom should be f.p.s.c.

10. Stores in sub-cellar and cellar should be enclosed in 3 hr. partitions with f.p.s.c. doors and stair passage likewise enclosed should be provided in cellar.

12. Fireproof enclosure should be provided from cellar stairs to street.

17. Dressing room partition should be of incombustible material, with incomb. doors."

and

WHEREAS, the decision of the borough superintendent on Alt. Applic. 482-43 referring to 448 Broome street, reads:

"19. Building should be provided with two means of egress from every floor as per sec. 271 of L. L. & Fact. Exit Rules of Bd. S. & A. One means of egress should be an interior stair enclosed in partitions of fire-resisting material from sub-cellar to roof and provided with f.p.s.c. doors. The other means may be a horizontal exit complying with sec. 267 of L. L. or existing f.e. complying with sec. 271 of L. L. or other lawful means.

20. Stairs should continue to roof if there is safe egress from roof as per Rule 11 of Fact. Exit Rules.

21. Stairs in cellar should be enclosed in one hour partitions with f.p.s.c. doors and stair enclosure should be continued to street.

26. Vertical ladder and trap doors in sidewalk not acceptable as second means of egress from cellar and sub-cellar.

31. Combined building should be of fireproof construction as height exceeds four stories, sec. 4.2.1 Bldg. Code.

32. Toilets should not open on stair enclosure."

and

WHEREAS, applicant states the building is 5 and 9 stories (67 ft. and 116 ft.) in height, 75 ft. by 46 ft. and 50 ft. in area; Class 1 and 3 construction; erected in 1884; located in an unrestricted use district and used as follows: 448 Broome street: subcellar, storage, 6 persons; cellar, storage, 12 persons; 1st floor, store, 20 persons; 2nd to 5th floors, mercantile use, 8 persons on the 2nd floor and 7 persons on the 3rd floor, 8 persons on the 4th floor and 7 persons on the 5th floor; that 450 Broome street is used and occupied as follows: subcellar, storage, 4 persons; cellar, storage, 12 persons; 1st floor, store and factory, 15 persons; 2nd to 9th floors, factory, 25 persons each floor; and

WHEREAS, the buildings will be used as follows: (448 and 450) subcellar, storage of hardware, 4 persons; cellar, storage of hardware, 15 persons; 1st floor, store and mfg. hardware, 46 persons; 2nd floor, manufacturing boys clothing, 25 persons; 3rd floor, mfg. leather goods, 4th floor, same; 5th floor, mfg. underwear; 6th floor, mfg. underwear; 7th floor, mfg. leather novelties; 8th floor, mfg. boys clothing; 9th floor, mfg. doll's dresses, 25 persons per floor; that the building is equipped with a sprinkler system in 450 Broome street and there is one 36 in. iron stairs with slate treads, enclosed in terra cotta block partitions, equipped with fireproof, self-closing doors and

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extending from roof bulkhead to street; in 450 Broome street, there are two fire escapes one on the Mercer street front, extending from 2nd to 9th floors with egress from 2nd floor balcony by means of counterbalanced stairs to sidewalk on Mercer street and one fire-escape on 448 Broome street, which will comply with the Labor Law and the rules of the Board of Standards and Appeals and be equipped with a counterbalanced stair from 2nd floor balcony to street and that the windows and doors on course thereof are fireproof, self-closing; and

WHEREAS, applicant contends that it is proposed to connect the present 5-story nonfireproof building to the existing 9-story fireproof factory building and use the stair in the fireproof building as a means of egress for both buildings and convert the use of the 5-story building to factory use; that the use of this stair will make a safer exit for the occupants of the 5-story building than the regular method of fire-retarding the existing stairs; that the 5-story building is now equipped with a fire-escape, which will be altered to conform to the rules of the Board and the Labor Law, but that the present fire-escape on the 5th story building apparently was made to conform with the rules at the time of the enactment of the Labor Law, at which time the stairway was made to conform, including the bulkhead and stairs to roof; that as to the enclosure of the elevator shaft, this construction was acceptable at the time it was made to conform to the requirements of the Labor Law and it is therefore requested that the existing open grille front be permitted to remain as the stair and elevator are actually within the same continuous enclosure; that the applicant further contends, in regard to the enclosure of the cellar stairs and continuance of same in an enclosure to the street, that the subcellar and cellar are to be occupied by the tenant of the store on the 1st floor and used for storage in connection therewith; that as the area in each portion is small, it would be an extreme hardship to be required to provide such an exit; that as the second means of egress from the cellars, the existing exits in the fireproof building are adequate, and contends as to the doors of the boiler-room, that the existing iron plate doors have been in place since the enactment of the Labor Law and have not been considered a hazard and contends as to the incombustible partitions enclosing the dressing rooms, that these rooms were installed at the direction of the Labor Dept. and passed by them and the partitions are dwarf partitions 7 ft. 6 in. high; and that as to objections 31 and 32, contends these are not reasonable, as the buildings are both existing and divided by a fire-wall and 3-hour doors at both sides of openings between lofts and 3-hour and 1½-hour doors at stairways; that the openings to toilet rooms are existing and there is no requirement for their change.

Resolved, that the decision of the borough superintendent on Alt. Applic. 482-43, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the nine (9) story building shall be in compliance with the existing approvals for same as a factory building; that the five (5) story building which it is proposed to connect to the nine story building shall not be increased in height or area; that the existing fire-escape on the five story portion shall be made to comply with the requirements of the Labor Law therefor; that the existing stairway in the five story portion may be removed, provided the connection through the former exterior wall is provided, so as to make accessible as a primary means of exit, the existing stairway in the 9 story building, provided also that at such openings, the doors shall be in accordance with the requirements for protection of openings in fire-walls, and shall be the swinging and not sliding type, and also provided that the doors are so arranged that there is an elimination of unsafe steps and proper vestibules provided; that any other opening in the wall between the two buildings shall be protected with fire doors in accordance with the requirements; that in all other respects, the requirements of the Labor Law as to the five story building, shall be complied with as for a four story non-fireproof building constructed after 1913.

374-43-A

APPLICANT—E. I. Dupont DeNemours and Company, owner.

SUBJECT—Appeal from a decision of the fire commissioner re Packaging of inflammable and combustible mixtures known as "E. I. Dupont DeNemours and Company's" No. 18 Cement, No. 21 Cement, No. C-23 Cement, No. 24 Cement, No. 26 Cement, No. 28 Cement, No. 32 Cement, No. C-35 Cement, No. S-80-40 Stain, No. C-42 Cement, No. H-64 Stain-combustible, No. H-66 Cement, No. H-78 Cement, No. 231 Cement, No. H-79 Cement, No. 83 Solvent, No. H-90 Black Stain-combustible, No. K-88 Solvent, No. 89 Solvent, No. 92 Black Stain-combustible, No. C-95 Cement, No. C-96 Solvent, No. 97 Cement, No. 98 Cement, No. 99 Cement, No. C-103 Cement, No. F-105 Solution, No. 106 Solution, No. C-107 Cement, No. H-108 Black Cement-combustible, No. 109 Cement in 8 oz., 16 oz., 32 oz., 128 oz., and 5 gallon glass containers (capacity of glass containers not in conformity with Administrative Code Specifications).

APPEARANCES—

For Applicant: William H. Hickin.

For Administration: Insp. Matteis, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioner Blum and Deputy Chief Gunn..... 3
Negative 0
Not Voting: Commissioner Savage 1

THE RESOLUTION (374-43-A)

WHEREAS, William H. Hickin, for E. I. DuPont de Nemours and Company, owner, filed July 23, 1943, an appeal from a decision of the fire commissioner, relating to the packaging of combustible and inflammable mixtures in glass containers contrary to the Administrative Code; and

WHEREAS, the decision of the fire commissioner dated July 6, 1943, reads:

"Folder No. 22-219.

Your request of June 23, 1943, on behalf of the E. I. DuPont deNemours and Company, must be denied, as being contrary to Chapter C19-59 of the Administrative Code."

and

WHEREAS, the applicant states it is proposed to package the following products which are the subject of Certificate of Approval No. 1164, issued by the Fire Department in glass containers of 8 oz., 16 oz., 32 oz., 128 oz. and 5-gallon capacity as manufactured by the Owens-Illinois Glass Company and as indicated on drawing filed with this appeal:

18 cement	83 Solvent
21 "	H-90 Black stain — combustible
C-23 "	K-88 Solvent
24 "	89 "
26 "	92 Black stain — combustible
28 "	C-95 Cement
32 "	C-96 Solvent
C-35 "	97 Cement
S-80-40 Stain	98 "
C-42 Cement	99 "
64 Stain—Combustible	C-103 "
H-66 Cement	F-105 Solution
H-78 "	106 "
231 "	C-107 Cement
H-79 "	H-108 Black cement—combustible
	109 Cement

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The glass containers, which it is proposed to use, have the following capacities:

Mold No.	Container	Overflow Capacity	Headspace	% Head-space
A-7231	8 oz.	8 $\frac{3}{8}$ oz.	$\frac{3}{8}$ oz.	4 $\frac{1}{2}$
A-7234	32 oz.	33 $\frac{3}{8}$ oz.	$\frac{3}{8}$ oz.	4
AT-5250	5 gal.	58 $\frac{5}{8}$ oz.	18 $\frac{5}{8}$ oz.	2 $\frac{1}{8}$
A-7233	16 oz.	16 $\frac{7}{8}$ oz.	$\frac{7}{8}$ oz.	5 $\frac{3}{8}$
B-1173	128 oz.	136 oz.	6 oz.	4 $\frac{1}{2}$

that each of the glass containers will be equipped with a metal cap enclosure, lined with a pulp or other composition material for the purpose of making a precision contact with the top of the glass container; that the five-gallon glass container will be packed in one single solid wood box for shipment, in accordance with the rules and regulations of the I.C.C.; that the 8 oz., 16 oz., 32 oz., and one-gallon size containers will be packed in suitable solid or corrugated fiberboard boxes and not more than 4 of the one-gallon containers will be packed to a single shipping container and that all of the containers will be in accordance with I.C.C. regulations; and

WHEREAS, the applicant contends that the War Production Board has ordered the discontinuance of the use of tin plate and terne plate containers for packaging the materials in question; that the only container that can be used is a glass container as herein proposed; that the hardship created by the W.P.B. order and the provisions of the Administrative Code, is one which should be alleviated; that there is no greater hazard in the use of the glass containers as proposed, than in the use of tin containers of the same capacities.

Resolved, that the decision of the fire commissioner, dated July 6, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted*, to permit the packaging of materials, as listed and approved by the fire commissioner under Certificate of Approval 1164, in glass bottles as proposed in approximately one-pint, one-quart, two-quart and one-gallon sizes, *on condition* that such bottles shall be labeled in accordance with the requirements of the Administrative Code and to the satisfaction of the fire commissioner; and *denied* as to the packaging in glass carboys as proposed of five-gallon capacity; that this variance is granted for a term of six (6) months, pending filing with the Board of an application for general approval by the Owens Illinois Glass Company.

376-43-S

APPLICANT—Oscar Lowinson, for New York and Brooklyn Casket Co., owner.

SUBJECT—Variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—703-705 Bedford avenue, east side, from Wallabout to Lynch streets, 97-121 Wallabout street, 2-24 Lynch street and 1-3 Middleton street (1st and 2nd floors); (Block 2235, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Oscar Lowinson and C. Christman.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum..... 3
Negative 0
Absent: Deputy Chief Gunn..... 1

THE RESOLUTION (376-43-S)

WHEREAS, Oscar Lowinson, for New York and Brooklyn Casket Company, filed on July 26, 1943, an application for variation of the requirements of the labor law as cited in a decision of the fire commissioner, affecting 703-705 Bed-

ford avenue, east side, 97-121 Wallabout street, 1-3 Middleton street, 2-24 Lynch street (Block 2235, Lot 1), Borough of Brooklyn; and

WHEREAS, the decision of the fire commissioner dated July 22, 1943, reads:

"We have your letter of July 12, wherein you request a permit for your employees to smoke on the 2nd story of the above mentioned premises in the offices, the women's kitchen and lunchroom, and also in the women's room and lobby on the 1st story.

You are advised that your application must be denied for the reason that smoking is prohibited on these premises by the provisions of the labor law and the rules of the Board of Standards and Appeals."

and

WHEREAS, the applicant states the building is four stories (50 ft.) in height, 292 ft. front on Wallabout street, 53 ft. 11 $\frac{1}{2}$ in. on Bedford avenue; of Class 6 construction; erected 1906; located in an unrestricted and business use district; used as follows: cellar, manufacturing caskets; 1st floor, wood working and shipping, 78 persons; 2nd floor, factory, office, manufacturing caskets and storage, 50 persons; 3rd floor, factory and storage, 15 persons; 4th floor, manufacturing caskets, 101 persons; equipped with a three-source sprinkler system; proposed to be equipped with an interior fire alarm system and fire drills will be maintained; that there are two 3 ft. wood stairways with masonry enclosures, equipped with fireproof self-closing doors, one of which leads to roof and one leads directly to the street; that there are 6 fire escapes, as indicated on plans filed with this application; and

WHEREAS, the applicant contends that the entire building is used for the manufacture of caskets; that on the first story, the entrance lobby and the adjoining women's rooms are separated from the remainder of the floor by stud and compo board or other similar partitions, equipped with self-closing doors; that stairs are enclosed in masonry partitions; that a similar condition exists on the 2nd floor; that the partition between the lunch room and the adjoining large room, is a dwarf partition; that this adjoining large room is used for textile work by women employees in connection with the stock room, which is used for storage of textiles preliminary to manufacture; that the partitions between the office and the remainder of the floor are similar to those on the first floor; that exits from this area consists of 2 interior stairways and an exterior stairway on Lynch street, as well as an exterior stairway on Wallabout street, access to which is through the cloth room; that the building is sprinklered and interior openings and masonry walls are protected by Underwriters' doors; that great difficulty has been found in enforcing rules against smoking; that due to war conditions, if an attempt is made to discipline an employee, it is followed by the loss of that employee and consequent reduction in production, and it is felt that if smoking could be permitted in the area proposed, the hazard would be less than at present where surreptitious smoking occurs.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the fire commissioner dated July 22, 1943, and that the application be and it hereby is *granted on condition* that no smoking shall be done on the premises, except in the space on the first floor and except the space on the second floor toward the west, as hatched, and indicated on plans filed with the Board marked "Received July 26, 1943"; that the partitions separating such spaces wherein smoking is herein permitted, shall be from floor to ceiling; that adequate receptacles and such portable extinguishers shall be maintained as the fire commissioner shall require; that the two-source sprinkler system shall be maintained to the satisfaction of the fire commissioner; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board under Cal. 1549-23-A and 198-43-A.

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380-43-A

APPLICANT—Victor Mayper, for 147 Realty Corporation, owner (Park Drug Company, lessee).

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—147-151 West 15th street, north side, 230 ft. east of Seventh avenue (Block 791, Lot 13), Borough of Manhattan.

APPEARANCES—

For Applicant: Victor Mayper and L. Klatzke.

For Administration: Vincent Matteis, Fire Dep't.

ACTION OF BOARD—Application granted on condition. THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (380-43-A)

WHEREAS, Victor Mayper, for 147 Realty Corporation, owner (Park Drug Company, lessee), filed July 29, 1943, an appeal from an order and a decision of the fire commissioner, affecting premises 147-151 West 15th street north side, 230 ft. east of Seventh avenue (Block 791, Lot 13), Borough of Manhattan; and

WHEREAS, Order 34273-LC issued by the fire commissioner April 22, 1943 and referred to in his decision dated July 23, 1943, reads:

"5. Provide a fixed fire extinguishing system or other means for the extinguishment of fire satisfactory to the fire commissioner. Sec. C19-136-0-4, Art. 24, Administrative Code."

and

WHEREAS, the applicant states the building is 9 stories (123 ft.) in height, 60 ft. by 103 ft. 3 in. in area at 1st story; 60 ft. by 92 ft. 3 in. at typical floor; erected in 1922; Class 1 construction; located in an unrestricted use district; occupied: cellar, storage, 1st floor, storage, loading; 2nd floor, offices, storage; 3rd to 9th floors, inclusive, factory, number of persons not given; that no change in use or occupancy is proposed, that Certificate of Occupancy 16680-30 was issued August 6, 1930, for use as follows: cellar, storage; 1st floor, printing, storage and garage for more than 5 autos, 20 persons; 2nd to 9th stories, printing and storage, 60 persons on each floor; and

WHEREAS, applicant contends that the building is of fireproof construction and conforms with all requirements of the Building Code and Labor Law for fireproof factory buildings; there is a complete standpipe system with gravity tanks; that floor areas and exits are such that no sprinkler system is required by Building Code; that the manufacture of drugs is conducted only in certain areas of the 6th, 7th and 8th floors; that the War Production Board will not permit the use of materials required for a sprinkler system and it is therefore requested that the order for same be waived and that applicant be permitted to provide the necessary sprinkler protection in each affected area by connection to the house supply when the war emergency terminates.

Resolved, that the order of the fire commissioner, Order 34273-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that such portable fire fighting equipment shall be maintained throughout the premises, as the fire commissioner shall direct; that the standpipe system shall be maintained to the satisfaction of the fire commissioner; that a request for priority shall be applied for for the equipment necessary for the installation of the sprinkler system; that such sprinkler system shall be installed as soon as priority is received and/or equipment therefor available; that the combustible materials applied for and permitted by the fire commissioner, shall not exceed the quantities set forth in application to the fire commissioner dated June 17, 1943; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that a revised certificate of occupancy setting forth the present use shall be obtained to supersede Certificate of Occupancy No. 16680 of 1930.

381-43-S

APPLICANT—Sidney Daub, for Metropolitan Life Insurance Co., owner (H. O. Boehme, Inc., lessee).

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—915-919 Broadway and 10 East 21st street, southwest corner (9th floor); (Block 849, Lot 70), Borough of Manhattan.

APPEARANCES—

For Applicant: Sidney Daub.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition. THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (381-43-S)

WHEREAS, Sidney Daub, for Metropolitan Life Insurance Co., owner (H. O. Boehme, Inc., lessee), filed an application for variation of the labor law as cited in a decision of the borough superintendent; affecting premises 915-919 Broadway and 10 East 21st street, southwest corner (9th floor); (Block 849, Lot 70), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated July 1st, 1943, reads:

"Your letter of May 15th, 1943 stating that you have installed a panic bolt on one exit door in your plant on the 9th floor of above-noted premises has been received, together with copy of letter dated December 8, 1942, from R. L. Coryell, Major, A.U.S., Plant Security Officer, and copy of letter dated April 7, 1942, from David Kirk, Major, A.G. D., Asst. Adjutant General.

Section 272 of the State Labor Law provides that "No door leading into or out of any factory or any floor thereof shall be locked, bolted or fastened during working hours. . ."

Inasmuch as this department has no authority to vary the Labor Law, your recourse for relief in this matter lies with the Board of Standards and Appeals.

Therefore in order to obtain approval of the installation of the panic bolt in question it will be necessary to make application for a variation of the Labor Law to the Board of Standards and Appeals, the agency vested with jurisdiction in such cases."

and

WHEREAS, the applicant states the building is 20 stories, (237 ft.) in height, 72 ft. 4 in. by 128 ft. 4 in. in area; Class 1 construction; erected in 1924; occupied as a tenant factory, 110 persons per floor, for which Certificate of Occupancy 17555 was issued May 13, 1931; equipped with sprinkler, standpipe and interior fire alarm system; that fire drills are not maintained and that there are two 44 in. fireproof stairways leading from roof to street; and

WHEREAS, an examination of the use district map indicates that the building appears to be partly in an unrestricted and partly in a business use district; and

WHEREAS, the applicant contends that a panic bolt has been provided on the exit door leading to an interior stairway at the ninth floor, occupied by H. O. Boehme, Inc., who are engaged in manufacturing equipment essential to the war effort and this panic bolt was installed under the recommendation of the War Department; that the building is fireproof, equipped with an approved sprinkler system and in addition to the interior stairway is also provided with a fire tower; and

WHEREAS, the applicant has filed a recommendation of the Plant Security Office of the United States Army, recommending the installation of the panic bolt in question.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the borough superintendent dated July 1, 1943, and that the application be and it hereby

MINUTES

is *granted on condition* that panic bolts shall be installed only on the door to stair on the 9th floor, as indicated on plans filed with this appeal marked "Received July 29, 1943"; that such panic bolts shall be of an approved type; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board under Cal. Nos. 193-26-S and 121-30-S; that this variance shall continue only during the term of the present emergency.

423-37-S

APPLICANT—Saul Goldsmith, for Bernard Weinstein, owner, d/b/a Boro Valve Exchange Company.

SUBJECT—Application for consideration—reopening and amendment to resolution—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—104-108 Green street, south side, 145 ft. east of Franklin street (Block 2522, Lot 12), Borough of Brooklyn.

APPEARANCES—

For Applicant: Saul Goldsmith.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (423-37-S)

WHEREAS, this application from an order of the commissioner of buildings, affecting premises 104-108 Green street, south side, 145 ft. east of Franklin street (Block 2522, part of Lot 12), Borough of Brooklyn, was granted by the Board on October 13, 1937, on certain conditions and the applicant requested an amendment of the resolution; and

WHEREAS, the decision of the borough superintendent, on Alt. Applic. 2107-43, dated July 16, 1943, reads:

"1. As this building was erected after October, 1913, two fireproof stairs from 2nd floor in conformity with Section 270 of the Labor Law, are required."

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted October 13, 1937, by adding thereto:

"that in the event the owner desires to eliminate the horizontal opening between this building and the adjoining premises to the east and desires to continue the use of the second floor for factory purposes, such use may be continued, provided there is constructed at the front of the building as indicated on plans filed with this appeal marked "Received July 28, 1943," an exterior balcony and counter-balanced ladder to the street, except that such balcony shall be installed on the front toward the east instead of as shown, and provided a balcony with fixed or counter-balanced stairway is constructed toward the rear in the westerly side court with egress through the 5 ft. court leading directly to the street through the first floor unloading space."

236-42-S

APPLICANT—Saul Goldsmith, for The Dime Savings Bank of Brooklyn, owner.

SUBJECT—Application for consideration—reopening and amendment to resolution—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—457-459 Livonia avenue and 517-527 Van Sinderen avenue, northeast corner (Block 3799, Lot 51), Borough of Brooklyn.

APPEARANCES—

For Applicant: Saul Goldsmith.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (236-42-S)

WHEREAS, this application from a decision of the borough superintendent, affecting premises 457-459 Livonia avenue and 517-527 Van Sinderen avenue, northeast corner (Block 3799, Lot 51), Borough of Brooklyn, was granted by the Board on July 28, 1942, on certain conditions and the applicant requested an amendment of the resolution; and

WHEREAS, the decision of the borough superintendent, on Alt. Applic. 3425-42, dated July 15, 1943, reads:

"1. Refer proposition to the Board of Standards and Appeals for consideration, as the building on the lot was acted upon by the Board under resolution 236-42-S.

2. Provide two fireproof stairs in conformity with Section 270 of the Labor Law, as building was erected after October 1, 1913."

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on July 28, 1942, by adding thereto:

"that in the event the owner desires to occupy the building for factory purposes as proposed in application filed with the borough superintendent under Application 3425-42, such use may be permitted, provided the two means of exit indicated on plans marked "Received July 28, 1943" from the second floor are maintained and that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as hereinbefore permitted; that the amount of space occupied for factory use shall not exceed that permitted under the zoning resolution for a business use district."

APPLIANCE AND MATERIAL SUBMITTED FOR APPROVAL

829-40-SA

APPLICANT—Auto-Motor Heater Company, owner.

SUBJECT—Auto-Motor Heater, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (829-40-SA)

WHEREAS, the Auto-Motor Heater Company, owner, filed on July 30, 1940, an application with the Board of Standards and Appeals, for the approval of the appliance known as the Auto-Motor Heater; and

WHEREAS, the applicant failed to arrange for an inspection and test of this appliance, although duly notified to do so.

Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

563-42-SA

APPLICANT—The Drever Company, owner.

SUBJECT—The Drever Ammonia Dissociator, approval of.

APPEARANCES—

For Applicant: None.

MINUTES

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (563-42-SA)

WHEREAS, the Drever Company, owner, filed on July 13, 1942, an application with the Board of Standards and Appeals, for the approval of the appliance known as the Drever Ammonia Dissociator; and

WHEREAS, the applicant failed to arrange for an inspection and test of this appliance, although duly notified to do so.

Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

842-42-SM

APPLICANT—P. and F. Corbin Division of American Hardware Corporation of New York, owner.

SUBJECT—Corbin Automatic Exit Fixtures or Panic Bolts, Types 3552½, 3552, 3557 and 3557½, approval of.

APPEARANCES—

For Applicant: H. Helmus.

ACTION OF BOARD—Material approved in accordance with report of the Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (842-42-SM)

WHEREAS, the P. and F. Corbin Division of the American Hardware Corporation of New York, owner, filed on December 2, 1942, an application with the Board of Standards and Appeals for approval of the material known as the Corbin Automatic Exit Fixtures or Panic Bolts, Types 3552½, 3552, 3557 and 3557½; and

WHEREAS, this material was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

July 9, 1943

Re: Cal. 842-42-SM

Subject: Corbin Automatic Exit Fixtures or Panic Bolts, approval of.

The P. and F. Corbin Division of American Hardware Corporation of New York filed December 2, 1942, an application with the Board of Standards and Appeals, under the requirements of C26-178.0.6 of the Administrative Building Code for approval of the Corbin Automatic Exit Fixture or Panic Bolt of cast iron and wrought iron, for the duration of the war emergency.

DESCRIPTION

These devices are self-releasing exit latches, combining in one unit the usual door locking devices and self-releasing mechanism. The system of levers is designed so as to release the lock and latches simultaneously and permit the doors to open by the application of force on a cross bar extending across the interior side of the door. All parts are constructed of brass or bronze except as otherwise described herein.

Use: These latches are intended for use in connection with exit doors of theatres, schools, churches, and other public or factory buildings equipped with single or double doors swinging outwardly.

These devices are manufactured of cast and wrought iron and are intended for use only during the duration of the war emergency.

Assembly exit push bar 3552½ and lock consist of main housing, and housing curved brackets or arms and

cross bar. The main housing has curved bracket riveted thereto, which is prepared for cross bar. This bracket has an actuating lever which operates the latch bolt of lock; it is also arranged with a dogging feature to hold cross bar in retracted position, permitting cross bar to be depressed at will. The end housing also has curved bracket riveted thereto, which is prepared for the cross bar. A strong spring holds arm in projected position and permits action of cross bar to be coordinated. All component parts are heavy castings free from flaws, machined and hand fitted to insure smooth working order. The device is handed and is generally furnished for a single door or the action leaf of a pair of doors. The horizontal bar is 1 in. tubing. The brackets are 8½ by 2⅞ in. and 4⅛ in. by 2⅞ in. and require a stile at least 4½ in. wide.

OPERATION

Pressure on the horizontal bar automatically retracts the latch bolt of the lock allowing the door to be opened at all times from the inside. Exit push bar type 3557½ is the same as 3552½, except that the brackets or arms are not curved, permitting its use in either right or left hand doors.

Exit push bar type 3552.

The main housing has curved bracket, riveted fast to same, which is prepared for cross bar, and arranged to accommodate the vertical rod through same. This bracket has an actuating fork which retracts or releases the vertical rod locking feature; also arranged with a dogging feature to hold cross bar in retracted position. A strong substantial spring holds arm in projected position, permitting cross bar to be depressed at will. The end housing likewise has curved bracket, riveted fast to same, which is prepared for cross bar. A strong spring holds arm in projected position and permits action of cross bar to be coordinated. The top case is arranged with a release button and cross levers, permitting the vertical rod to project itself top and bottom simultaneously through the force of gravity. Top and bottom strikers are furnished with this bolt to suit field or job conditions. All component parts are made of cast iron and wrought iron, heavy castings free from flaws, machined and hand fitted to insure smooth working, long wear and requiring a minimum operating force. This device is handed and is generally furnished with a single door or the inactive leaf of a pair of doors.

Bolt rods are 9/16 in. in diameter, horizontal bar is 1 in. tubing; the brackets are 8½ by 2⅞ in. and 4⅛ by 2⅞ in. The top case is 5¼ by 2⅜ in.; top strike with return for stop ½ in. thick.

Operation: Pressure on horizontal bar automatically releases bolts at top and bottom in which position they are held as long as door is open. When the door closes, the bolts are automatically projected into the strikes except when locked in retracted position by means of key. The construction details and operation are the same as given in type 3557½.

Exit bolt with push bar type 3557, for use as an individual locking device, is the same as the aforementioned except the brackets or arms are not curved, permitting its use on either right or left hand doors.

TESTS

Endurance Test.

Model No. 3557½ of this device was inspected and tested by the Committee on Tests of the Board at New Britain, Conn., June 16, 1943. Manual operation for 100 cycles under severe conditions, disclosed no defects, the device functioning properly. An inspection of the plant showed that the manufacturer is fully equipped with forges and machinery to manufacture a uniform product.

RECOMMENDATION

On the basis of this inspection and test, it is recommended that the Corbin Panic Bolt Exit Fixture, types

MINUTES

3552½, 3552, 3557 and 3557½ constructed of cast and wrought iron be approved for use in New York City for the duration of the war emergency, under the provisions of C26-191.0 and C26-285.0 of the Administrative Building Code, and in specific cases, subject to a variation by the Board in such cases under Section 272, par. 3 of the State Labor Law, provided the device bears a label permanently affixed, reading "Approved by the Board of Standards and Appeals for use in New York City during the War Emergency under Cal. No. 842-42-SM."

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests

and

WHEREAS, this report recommended the approval of this material.

Resolved, that the Board of Standards and Appeals does hereby approve the material known as the Corbin Automatic Exit Fixtures and Panic Bolts, Types 3552½, 3552, 3557 and 3557½, on condition that the material be manufactured, installed and labelled, stamped or tagged in accordance with above report.

66-43-SM

APPLICANT—P. and F. Corbin, Division of American Hardware Corporation of New York, owner.

SUBJECT—Corbin Panic Bolt (Rim Type Automatic Exit Fixture Types 2585, 2685, 2586, 2686, 2588, 2688, 2590 and 2690, approval of.

APPEARANCES—

For Applicant: H. Helmus.

ACTION OF BOARD—Material approved in accordance with report of the Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (66-43-SM)

WHEREAS, the P. and F. Corbin Division of the American Hardware Corporation of New York, owner, filed on February 17, 1943, an application with the Board of Standards and Appeals for approval of the material known as the Corbin Panic Bolt (Rim Type Automatic Exit Fixture Types 2585, 2685, 2586, 2686, 2588, 2688, 2590 and 2690; and

WHEREAS, this material was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

July 9, 1943

Cal. 66-43-SM

Subject: Corbin Panic Bolt (Rim Type Automatic Exit Fixture #2585), Approval of

The P. F. Corbin Division of American Hardware Corporation of New York, filed February 17, 1943, an application with the Board of Standards and Appeals under the requirements of C26-178.0b. Administrative Building Code for approval of the above model of Fire and Panic Exit Bolts for Devices.

Description.

These devices are self-releasing exit latches combining in one unit the usual door locking devices and self-releasing mechanism. The system of levers is designed so as to release the lock and latches simultaneously and permit the doors to open by the application of force on

a cross bar extending across the interior side of the door. All parts are constructed of brass or bronze except as otherwise described herein.

Use:

These latches are intended for use in connection with exit doors of theaters, schools, churches and other public or factory buildings equipped with single or double doors swinging outwardly.

Assembly:

Rim Exit Push Bar and Lock 2585 consists of main housing, end housing, curved brackets or arms and cross bar. The main housing contains all the actuating levers, springs and winged latch bolt assembled by hand to insure smooth evenly well balanced coordinated action. The housing also is provided with a dogging feature which holds the cross bar in a retracted position. All bronze castings are free from flaws, strong and durable and machined to insure ease of operation and long wear. A strong durable bronze spring holds arm in projected position, permitting cross bar to be depressed at will. The end housing likewise has curved bracket united fast. A strong durable bronze spring holds the arm in an unprojected position and permits action of cross bar to be coordinated. All component parts are made of brass or bronze. The device is furnished for single doors or pairs of doors arranged with fixed or movable mullions.

Other type numbers of this device are 2586, 2588, 2590, 2685, 2686, 2688 and 2690, and are similar in every respect to type 2585, except as to the keying feature. Type #2585 and 2685 are operated by key only from the outside when latch bolt is locked in retracted position. By means of dogging key the door can be opened from outside by door pull. In Types 2588 and 2688 latch bolt can be operated by knob from outside except when knob has been locked by a turn of master key only in inside cylinder.

Types 2590 and 2690 are operated by exit bar only from inside, no outside brim. Types 2585 and 2686 have latch bolt operated by thumb of handle from outside, except when thumb piece has been locked by a turn of master key only in inside cylinder. When thumb piece is so locked, latch bolt can be operated by key from outside without releasing the thumb piece.

None of these types can lock the cross bar so that the door cannot be opened from the inside.

Installation:

The exit devices are installed upon single or double doors swinging outwardly in a manner characteristic of all door hardware. The latch devices are made with variable length of cross bar and adaptable to the specified width and thickness of each individual door, width of stile, and type of the astragal used on the particular set of doors.

TESTS

Endurance Test—

Model #2585 of this device was inspected and tested by the Committee on Tests of the Board at New Britain, Conn., June 16, 1943. Manual operation for 50 cycles disclosed no defects, the device functioning properly. An inspection of the plant showed that the manufacturer is fully equipped with forges and machinery to manufacture a uniform product. The device has been in successful operation at various places in New York City for many years.

RECOMMENDATION

On the basis of this inspection and test, it is recommended that the Corbin Panic Bolt (Rim Type Automatic Exit Fixture) Types 2585, 2685, 2586, 2686, 2588, 2688, 2590 and 2690 be approved for use in New York City under the provisions of C191.0 and C26-285.0

MINUTES

of the Administrative Building Code, and in specific cases, subject to a variation by the Board in such cases, under Sect. 272, Par. 3 of the State Labor Law, provided the devices bear a label permanently affixed reading "Approved by the Board of Standards and Appeals for Use in New York City under Cal. 66-43-SM."

(Sgd.) BERNARD A. SAVAGE,
Commissioner.

CHARLES M. BLUM,
Commissioner.

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this material.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as the Corbin Panic Bolt (Rim Type Automatic Exit Fixture) Types 2585, 2685, 2586, 2686, 2588, 2688, 2590 and 2690, *on condition* that the material be manufactured, installed and labelled, stamped or tagged in accordance with above report.

304-43-SM

APPLICANT—Sargent and Company, owner.

SUBJECT—Sargent Fire Exit Bolt, Models J5344L and J5391L, approval of.

APPEARANCES—

For Applicant: James P. Campbell.

ACTION OF BOARD—Material approved in accordance with report of the Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (304-43-SM)

WHEREAS, Sargent and Company, owner, filed on June 18, 1943, an application with the Board of Standards and Appeals for approval of the material known as the Sargent Fire Exit Bolt, Models J5344L and J5391L; and

WHEREAS, this material was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

August 3, 1943

Cal. 304-43-SM

Subject: Sargent Fire Exit Bolt, Models J5344L, and J5391L, approval of.

Sargent and Company filed June 18, 1943, and application with the Board of Standards and Appeals under the requirements of C26-178.0b of the Administrative Building Code for approval of the above models of Fire Exit Bolts or devices.

DESCRIPTION

These devices are self-releasing exit latches combining in one unit, the usual door locking devices and self-releasing mechanism. The systems of levers is designed so as to release the lock and latches simultaneously and permit the doors to open by the application of force to a cross bar extending across the interior side of the door.

USE

These latches are intended for use in connection with exit doors of theatres, schools, churches and other public or factory buildings equipped with single or double doors swinging outwardly. Assembly exit push bar J5391L consists of main housing brackets (or arms) and cross bar. The main housing has bracket riveted thereto, which is prepared for the cross bar. This bracket has

an actuating lever which operates the latch bolt of the lock. It is also arranged with a dogging feature to hold cross bar in retracted position permitting cross bar to be depressed at will. The end housing also has a bracket riveted thereto which is prepared for the cross bar. A strong spring holds the arm in projected position and permits action of the cross bar to be coordinated. All component parts are heavy castings free from flaws, machined and hand fitted to insure smooth working order. This device is handed and is generally furnished for a single door or the action leaf of a pair of doors. The horizontal cross bar is $\frac{3}{4}$ in. steel tubing. The brackets are $1\frac{7}{8}$ in. by $1\frac{15}{16}$ in. and 8 in. by 2 in. cast iron and require a stile at least $4\frac{1}{2}$ in. wide.

OPERATION

Pressure on the horizontal bar automatically retracts the latch bolt of the lock, allowing the door to be opened at all times from the inside.

Exit push bar type J5344L is the same as described for model J5391L, except that no locking device is provided and it is manufactured for use on the inactive door of a pair of doors.

TESTS

Model J5344L was inspected and tested by the Committee on Tests of the Board at New Haven, Conn. Manual operation for 50 cycles disclosed no defects, the device functioning properly. An inspection of the plant showed that the manufacturer is fully equipped with forges and machinery to manufacture a uniform product.

RECOMMENDATIONS

On the basis of the inspection and test, it is recommended that temporary approval be granted to the Sargent Fire Exit Bolt, Models J5344L and J5391L for use in New York City for the duration of the war emergency under the provisions of C26-191.0 and C26-285.0 of the Administrative Building Code, and in specific cases subject to a variation by the Board in such cases under Sec. 272, Par. 3, of the State Labor Law provided that the device bears a label permanently affixed reading: "Approved by the Board of Standards and Appeals for use in New York City under Cal. 304-43-SM."

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this material.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as the Sargent Fire Exit Bolt, Models J5344L and J5391L, *on condition* that the material be manufactured, installed and labelled, stamped or tagged in accordance with above report.

Adjourned: Friday, July 30, 1943 at 5:15 P. M.

JOSEPH J. DOYLE, Chief Clerk.

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held on May 25, 1943, as they appeared in Bulletin No. 22, Vol. 28, are hereby corrected to read as follows:

MINUTES

762-38-BZ

APPLICANT—Henry Nordheim, for Dorothy Bell Dyer and Isabel Sturges, owners (Gardner Super Service, Incorporated, lessee).

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—1670-1716 Southern boulevard, east side, 50 ft. south of East 174th street (Block 298, Lots 7, 11, 15 and 21), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry Nordheim.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (762-38-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 1670-1716 Southern boulevard, east side, 50 ft. south of East 174th street (Block 298, Lots 7, 11, 15 and 21), Borough of The Bronx, was granted by the Board on May 23, 1939, on certain conditions, resolution amended on July 16, 1940, permit extended on May 13, 1941 and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted May 23, 1939, as amended through May 13, 1941, only so far as it has reference to the term of the permit, so far as it affects the portion of the lot to the north with a frontage of 300 ft. along Southern boulevard, starting with No. 1716 Southern boulevard, so that as amended, the resolution shall read:

"Resolved that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution and that the application be and it hereby is *granted* only so far as it affects the portion of the lot to the north with a frontage of 300 feet along Southern boulevard, starting with No. 1716 Southern boulevard, to permit the use of this portion of the plot for parking and storage of more than five (5) motor vehicles, for a temporary period of not more than two (2) years from May 25, 1943, *on condition* that only motor vehicles of the pleasure-car type shall be so stored or parked; that that portion of the plot shall be levelled substantially to the grade of Southern boulevard and shall be surfaced with steam cinders, clean gravel or other suitable material, properly rolled and bound to prevent dusting and properly drained to provide surface drainage; that there shall be erected on the interior lot lines, a substantial woven wire fence not less than six feet in height; that a similar fence shall be erected on the street building line, with not more than two entrances thereto to Southern boulevard, each not over 15 feet in width with curb cuts opposite not over 20 feet in width each; that during the term of this variance, the premises as herein permitted, for parking and storage of more than five (5) motor vehicles, shall be used for no other purpose; that any existing permit for sale of used cars shall be discontinued; that all existing buildings shall be removed from the premises and no building erected thereon, except there may be erected near an entrance, a building not over 150 sq. ft. in area and one story in height as an office and shelter for the attendant; that said building may be of frame construction; that no signs shall be erected or permitted on the premises except one at each entrance, advertising only the parking and storage use; that these signs shall be attached to the fences and shall not exceed 15 sq. ft. in area each; that proper aisles shall be maintained at all times for easy entrance and egress; that such portable fire-fighting appliances shall be installed as the fire commissioner shall direct."

*Correction—The measurement "200 ft." changed to "300 ft." in lines 15 and 23 of resolution.

NOTICE

CERTIFICATE OF OCCUPANCY RULES

(TENTATIVE DRAFT)

RULES COVERING THE REQUIREMENTS FOR THE USE, OCCUPANCY OR CONSTRUCTION OF ANY PREMISES IN COMPLIANCE WITH EXISTING LAWS, RULES AND REGULATIONS.

(Cal. No. 40-32-SR)

Note: A tentative draft of these proposed rules is published at this time, to permit study and suggestions. Later, a public hearing will be held, notice of which will appear in the Bulletin. Suggestions will be welcomed.

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, Par. 2, Section 646 of the Charter of the City of New York and C26-189.0 and C26-181.0 through C26-188.0 of the Administrative Building Code.

Scope:

A Certificate of Occupancy once lawfully issued is a certification that the building, its occupancy and use

comply with all laws, rules and regulations applicable thereto. The issuance of such certificate of occupancy puts all persons on notice as to the legality of the structure, occupancy and use as of the date of its issuance. When issued under these premises, interested persons may rely on its integrity and finality as to compliance with all laws, rules and regulations which were applicable at the time of its issuance.

It is therefore important that these certificates be issued only after a complete examination has been made of filed data as to the structure, occupancy, and use of the entire premises and are found to comply with the then existing laws, rules and regulations as of the date of such issuance. The purpose of these rules is to emphasize the basis under which a certificate of occupancy may be properly issued.

NOTICE

Rule 1. Excerpts from Laws Pertaining to Certificates of Occupancy.

1.1 New York City Charter.

§ 645 a. (3). The Superintendent shall have exclusive power: to issue certificates of occupancy for any building or structure situated in his borough.

§ 646 a. No building or structure hereafter constructed may be occupied or used in whole or in part for any purpose until a certificate of occupancy has been issued.

b. No building or structure or part thereof for which a certificate of occupancy has not been previously issued or required shall be occupied or used for any purpose whatever in case such building shall hereafter be altered or converted so as to decrease or increase the number of living rooms or apartments, until a certificate of occupancy has been issued.

c. No building hereafter altered or converted from one class to another class shall be occupied or used for any purpose whatever in case such building was vacant during the progress of the work. In case such an alteration does not necessitate the vacation of the building during the progress of the work, the occupancy or use of the building shall not continue more than thirty days after the completion of such alteration, unless a certificate of occupancy has been issued.

d. A certificate of occupancy of a building or structure shall certify that such building or structure conforms to the requirements of all laws, rules, regulations and orders applicable to it and shall be in such form as the Board of Standards and Appeals shall authorize.

e. A certificate of occupancy shall not be issued for the occupancy of a building as a multiple dwelling not previously authorized to be used or occupied as a multiple dwelling as defined in the Multiple Dwelling Law, unless the Division of Housing shall have certified in writing after an inspection of such building that such occupancy is lawful.

f. No certificate of occupancy shall be issued for any building, structure, enclosure, place or premises wherein containers for combustibles, chemicals, explosives, inflammables and other dangerous substances, articles, compounds or mixtures are stored or wherein automatic or other fire alarm systems or fire extinguishing equipment are required by law to be or are installed, until the fire commissioner has tested and inspected and has certified his approval in writing of the installation of such containers, systems or equipment to the superintendent of the borough in which the installation has been made. Such approval shall be recorded on the certificate of occupancy.

g. Every certificate of occupancy shall, unless and until set aside or vacated by the Board of Standards and Appeals or a court of competent jurisdiction, be and remain binding and conclusive upon all agencies and officers of the city, and shall be binding and conclusive upon the Department of Labor of the State of New York, as to all matters therein set forth, and no order, direction or requirement at variance therewith shall be made or issued by any agency or officer of the city, nor by the Department of Labor of the State of New York, or any commissioner, board, officer or member thereof.

h. The superintendent of the borough in which a building or structure is located may, on request of the owner or his authorized representative, issue a temporary certificate of occupancy for any part of such building or structure, provided that such temporary occupancy or use would not in any way jeopardize life or property; but no such temporary certificate shall be issued in the case of a multiple dwelling unless and until certificates are issued pursuant to subdivisions e and f of this section.

i. The term "class" as used in this chapter refers to the classification of buildings in the Building Code or local law regulating building as it may be amended from time to time and shall be deemed to refer also to the terms "class" or "kind" as used in the Multiple Dwelling Law where such law is affected.

1.2 Extracts from Zoning Resolution of New York City.

§ 6 a. Existing Buildings and Premises. (a) Any use existing in any building or premises on July 25, 1916, and not conforming to the regulations of the use district in which it is maintained, may be continued therein except as provided in § 21-A. No then existing building designed, arranged, intended or devoted to a use not permitted by this article in the district in which such use is located shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted in the district in which such building is located. Such building may, however, be reconstructed or structurally altered to an extent not greater than 50 per cent of the value of the building, exclusive of foundations, provided that no use in such building is changed or extended.

b. Any use existing in any building or premises lawfully established subsequent to July 25, 1916, and not conforming to the regulations of the use district in which it is maintained, may be continued therein except as provided in 21-A.

§ 22. Unlawful Use; Certificate of Occupancy. It shall be unlawful to use or permit the use of any building or premises or part thereof thereafter created, erected, changed or converted wholly or partly in its use or structure until a certificate of occupancy to the effect that the building or premises or the part thereof so created, erected, changed or converted and the proposed use thereof conform to the provisions of this resolution shall have been issued by the Department of Housing and Buildings. In the case of such buildings or premises it shall be the duty of the Department of Housing and Buildings to issue a certificate of occupancy within ten days after a request for the same shall be filed in its office by any owner of a building or premises affected by this resolution, provided said building or premises or the part thereof so created, erected, changed or converted and the proposed use thereof conform with all the requirements herein set forth. Under rules and regulations of the Board of Standards and Appeals a temporary certificate of occupancy for a part of a building may be issued by the Department of Housing and Buildings. Upon written request from the owner, the Department of Housing and Buildings shall issue a certificate of occupancy for any building or premises existing at the time of the passage of this resolution certifying after inspection the use of the building or premises and whether such use conforms to the provisions of this resolution.

NOTICE

1.3 Extracts from Administrative Building Code. Article 3, Sub-article 1, Group 3—Certificate of Occupancy.

C26-181.0 Certificates of occupancy for new structures.

a. It shall be unlawful to occupy or use any structure erected after January 1st, nineteen hundred thirty-eight, in violation of section six hundred forty-six, subdivision a of the charter. The superintendent shall issue a certificate of occupancy, in such form as may be authorized by the board, certifying that such structure conforms substantially to the approved plans and specifications and the requirements of the laws governing building construction applicable to structures of the class and kind of such structure.

b. A certificate of occupancy shall be issued only in conformity with section six hundred forty-six, subdivision e of the charter.

c. A certificate of occupancy shall be issued in conformity with section six hundred forty-six, subdivision f of the charter.

C26-182.0. Temporary Certificate of Occupancy.—The superintendent may issue a temporary certificate of occupancy for part of a structure, pursuant to section six hundred forty-six, subdivision h of the charter. Original temporary certificates of occupancy may be granted for periods of not more than ninety days and be subject to renewal by the superintendent for similar periods of not more than ninety days at his discretion.

C26-183.0. Occupancy of Altered Structures.—
a. It shall be unlawful to occupy or use in whole or in part, for any purpose whatever, any structure altered after January first, nineteen hundred thirty-eight, which was vacant during the progress of the work of alteration until a certificate of occupancy shall have been issued by the superintendent, certifying that the work for which the permit was issued has been completed substantially in accordance with the approved plans and specifications and the provisions of the laws governing building construction applying to such an alteration.

b. In case such structure has been substantially altered so as to affect any existing means of egress or has been converted or altered from one class to another class or has been converted or altered so as to increase the number of living rooms or apartments in the building and such alteration does not necessitate the vacation of the building during the progress of the work, the occupancy or use of the building shall not continue more than thirty days after the completion of such alteration, unless a certificate of occupancy has been issued by the superintendent. The term "class" as used herein refers to the classification of buildings in this title and also to the terms "class and kind" as used in the Multiple Dwelling Law when such law is affected.

C26-184.0. Occupancy of Existing Structures.—The legal occupancy and use of any structure existing on January first, nineteen hundred thirty-eight, may continue, except as may be specifically prescribed by this title or as may be necessary for the safety of life, health or property. Upon written request from the owner, the superintendent shall issue a certificate of occupancy for any structure existing on January first, nineteen hundred thirty-eight, certifying, after verification by inspection, such occupancy or use of such struc-

ture provided that at the time of issuing such certificate there are no notices of violation, or other notices or orders, pending in the department.

C26-185.0. Change of Occupancy.—It shall be unlawful to make any changes of occupancy or use of any structure if such change is inconsistent with the last issued certificate of occupancy. It shall be unlawful to make any change of occupancy in a structure, existing on January first, nineteen hundred thirty-eight, which would bring it under some special provision of the laws governing building construction, unless a certificate is issued by the superintendent certifying that such structure conforms to the provisions of the laws governing building construction for the proposed new occupancy and use and that the proposed use will not be in conflict with any provisions of the Labor Law, Multiple Dwelling Law or the Building Zone Resolution.

C26-186.0. Contents of certificates of occupancy.—In addition to the certification, required by the article, of compliance with the approved plans and application and with the provisions of laws governing building construction, each certificate of occupancy shall state the purposes for which the structure may be used in its several parts, the maximum permissible live loads on the several floors, the number of persons which may be accommodated in the several stories and any special stipulations of the permit.

C26-187.0. Affidavits accompanying applications for certificates of occupancy.—a. Applications to the superintendent for a certificate of occupancy for a structure, the plans for which were accompanied by an affidavit as required by section C26-161.0, may be accompanied by an affidavit of the licensed architect or licensed professional engineer who filed the original plans or of the licensed architect or licensed professional engineer who supervised the construction of the work.

b. In case the application for the certificate of occupancy is not accompanied by the affidavit of the licensed architect or licensed professional engineer who filed the original plans or who supervised the construction work, it shall be accompanied by the affidavit of a superintendent of construction who supervised the construction work and who has had at least ten years' experience in supervising building construction work.

c. The affidavit of a licensed architect, licensed professional engineer or superintendent of construction who supervised the construction, shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought, and that to the best of his knowledge and belief the structure has been erected in accordance with the approved plans, and as erected complies with the laws governing building construction, except in so far as variations therefrom have been legally authorized. Such variations shall be specified in the affidavit.

C26-188.0. Issuance and filing of certificate of occupancy.—a. The superintendent shall issue certificates of occupancy for a structure within ten days after written application therefor, if at the date of such application such structure shall be entitled thereto. A record of all certificates shall be kept in the department and copies shall be furnished, on request and on the payment of a fee of fifty cents per copy, to any person having a proprietary interest in the structure affected.

NOTICE

b. Certificates of occupancy for structures erected after January first, nineteen hundred thirty-eight, shall be issued only after the floor load signs, required by Section C26-343.0 have been installed.

C26-718.0. Certificate of occupancy for the use of roofs.—It shall be unlawful to use the roof of any structure, including factories and multiple dwellings, for witnessing contests, games, exhibitions, amusements or similar spectacles, or as a place of public assembly for any purpose, unless such structure or such part thereof has been designated in its certificate of occupancy as a place to be used for such purposes.

1.4 Extract from Multiple Dwelling Law.

§ 301. Certificate of compliance or occupancy.

No tenement house shall hereafter be occupied in whole or in part for human habitation until the issuance of a certificate by the department charged with the enforcement of the tenement house law or of this chapter that said building conforms in all respects to the requirements of the tenement house law or of this chapter. No building hereafter constructed as or altered or converted into a multiple dwelling shall be occupied in whole or in part for human habitation until the issuance of a certificate by the department charged with the enforcement of this chapter that said building conforms in all respects to the requirements of this chapter. Such certificate shall be issued within ten days after written application therefor if said building at the date of such application shall be entitled thereto. Such a certificate, or the record in the department aforesaid that such a certificate has been issued or a statement signed by the head of such department that such a certificate has been issued, may be relied upon by every person who in good faith purchases a multiple dwelling or who in good faith lends money upon the security of mortgage covering such dwelling. Whenever any person prior to the issuance of such certificate, conformed in all respects to the provisions of this chapter shall be made against such person or against the interest of such person in a multiple dwelling to which such a certificate applies or concerning which such a statement has been issued.

2.0 General.

2.1 If a certificate is requested for any use of premises or building existing prior to March 14, 1916, and which has been duly inspected and found to have been so used and occupied or arranged to be so used and occupied prior to March 14, 1916, and since that date there has been no alteration or conversion to a use or occupancy that changed its classification as defined in the Administrative Building Code or the Zoning Law, and that, so long as the building is not altered, except in accordance with all laws applicable thereto, the existing use and occupancy may be continued and a certificate therefor may be issued.

2.2 Irrespective of the provisions of C26-184.0, any use or occupancy of any building or premises existing prior to March 3, 1916 for which no certificate of occupancy was then required or any building or premises thereafter devoted to a use or occupancy which complied with all laws, rules and regulations

at the time such occupancy or use of such building or premises was established, is entitled upon application to the department of housing and buildings, to receive a certificate of occupancy as of the then date for the then lawful use. No certificate for such building or premises shall, however, be issued as of a later date unless the use has been continued without change and no violations of law exist or until all violations of law have been corrected.

2.3 Any certificate of occupancy heretofore issued which does not definitely state the then existing use and occupancy shall be deemed by implication to mean that the use and occupancy of the premises at the time of the issuance of the certificate of occupancy was lawful under all the then existing laws.

2.4 Not more than one certificate of occupancy shall be issued for any one building or for the use of land irrespective of the existence of mixed occupancy.

No certificate of occupancy shall be issued for a use or occupancy lawfully accessory to the basic use but a notation of same may be included on the certificate.

2.5 Whenever the occupancy in number of persons is given on the certificate of occupancy floor by floor, such occupancy as given therein shall be based on the maximum capacity of the floors, including the legal allowances for exits, fire protection, ventilation and equipment of the structure irrespective of whether the actual occupancy may be less than would be permitted by law.

2.6 Unless with the approval of the borough superintendent, the superimposed, uniformly distributed loads, or concentrated loads producing the same stresses in the construction in any story shall not exceed the live loads specified on the certificate of occupancy; the number of persons of either sex in any story shall not exceed that specified when sex is indicated, nor shall the aggregate number of persons in any story exceed the specified total; and the use to which any story may be put shall be restricted to that fixed by this certificate except as specifically stated. When such changes are lawfully made a superseding certificate of occupancy shall be obtained.

2.7 Unless an approval for the same has been obtained from the borough superintendent, no change or rearrangement in the structural parts of the building, or affecting the light and ventilation of any part thereof, or in the exit facilities, shall be made; no enlargement, whether by extension on any side or by increasing in height shall be made; nor shall the building be moved from one location or position to another; nor shall there be any reduction, diminution or change of the area of the lot or plot on which the building is located. Upon completion, a superseding certificate of occupancy shall be obtained.

2.8 The building or any part thereof or the premises shall not be used or occupied for any purpose other than that for which it is certified.

2.9 The certificate does not in any way relieve the owner or owners or any other person or persons in possession or control of the building or any part thereof, from obtaining

NOTICE

such other permits, licenses or approvals as may be prescribed by law for the uses or purposes for which the building is designed or intended; nor from obtaining the special certificates required for the use and operation of elevators nor from the installation of fire alarm systems where required by law; nor from complying with any lawful order for additional fire extinguishing appliances under the discretionary powers of the fire commissioner; nor from complying with any lawful order issued with the object of maintaining the building in a safe or lawful condition; nor from complying with any authorized direction to remove encroachments into a public highway or other public place, whether attached to or part of the building or not.

- 2.10 If the certificate is marked "Temporary," it is applicable only to those parts of the building indicated on its face, and certifies to the lawful use and occupancy of only such parts of the building or premises; it is subject to all the provisions and conditions applying to a final or permanent certificate; it is not ap-

plicable to any building under the jurisdiction of the Housing Division unless it is also approved and endorsed by them, and it must be replaced by a final certificate at the date of expiration.

- 2.11 Each certificate of occupancy when issued by the department of housing and buildings shall contain a pertinent answer to every item listed therein and shall include an answer to every question. The terminology to be used in answer to all questions appearing on the certificate of occupancy shall be consistent with that used in the Charter, the Administrative Building Code and the Zoning Law. Upon the issuance of a superseding certificate of occupancy, all existing certificates of occupancy shall be surrendered and marked "void" and kept in the records of the department of housing and buildings.
- 2.12 No final certificate of occupancy shall be issued until all the work has been completed under permits and plans and all subsequent amendments thereto have been fully carried out in compliance with the plans and specifications and all applicable laws.

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the Board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

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2.05

EW



This issue includes Nos. 33, 34 and 35.

BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

Published weekly by the Board of Standards and Appeals at its office, Rooms 1000 to 1018, Municipal Building, New York City.

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Nos.
33, 34, 35

DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, *Chief Clerk*

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

OFFICE—Municipal Building, Rooms 1000 to 1018.

TELEPHONE—WOrth 2-5600.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.

Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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This issue of the Bulletin contains in the order given—

Docket.

Rules Directory.

The Hearing Calendar.

Rules—Extracts From the Administrative Code of the City of New York, Relating to Refrigerating systems.

Fire Drill Rules.

A Local Law to Amend the Administrative Code of the City of New York, in Relation to Places of Assembly, Generally.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET

New Cases Filed up to August 10, 1943.

- | Cal. No. | Dept. | Premises Affected. |
|-----------|---------|--|
| 388-43-S | H.B.Bx. | 4215 Third avenue and 517 East Tremont avenue, northwest corner (2nd and 3rd floors); (Block 3043, Lot 77), Borough of The Bronx, Alt. 236-43. |
| 389-43-A | F.D. | 481-497 Eighth avenue, west side, between West 34th street and West 35th street, 311 West 34th street and 300-320 West 35th street (Block 758, Lot 37), Borough of Manhattan, 18002-L.F. and Decision. |
| 390-43-SM | | Hudson River Stone Corporation Crushed Stone for Concrete Aggregate (Stone for breakwater-construction and riprapping), manufactured by Hudson River Stone Corporation, Material. |
| 391-43-SA | | American Gas Furnace Company Oxygen Gas Fishtail Burners, Sharp Flame Burners, Blowpipes and Accessories, Appliance. |
| 392-43-SA | | Western Electric Company, Incorporated Type "OF" Burner Tip for Hydrogen-Oxygen Flame, Appliance. |
| 393-43-A | F.D. | Re: Packaging of inflammable mixture known as "Devoe and Raynolds Co. Inc.," Paint and Varnish Products, in 8 oz., 16 oz., 32 oz., and one-gallon glass containers (capacity of glass containers not in conformity with Administrative Code Specifications), Decision. |
| 394-43-BZ | H.B.B. | 1407-1463 McDonald avenue, east side, 55 ft. south of Avenue L (Block 6537, Lots 1, 12, 29, 69 and 72), Borough of Brooklyn, Alt. 1875-43. |
| 395-43-BZ | H.B.B. | 555-569 Ridgewood avenue and 56-68 Union place, northwest corner (Block 4122, Lot 100), Borough of Brooklyn, N.B. 117-43. |
| 396-43-A | H.B.B. | 950-956 Grand street, south side, 425 ft. 2½ in. east of Waterbury street (Block 3019, Lot 20), Borough of Brooklyn, B.N. 1682-42. |

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

RULES

Last Publication in Bulletin	
Blended Cements, Rules for Testing and Use of	Nov. 24, 1942—Vol. 27, No. 47
Carbon Dioxide Liquefier, Rules....	June 22, 1943—Vol. 28, No. 25
Certificates of Occupancy, approved form	Nov. 25, 1941—Vol. 26, No. 47
Concrete Flat Slabs, Rules.....	July 13, 1937—Vol. 22, No. 28
Concrete Masonry Units, Rules for Manufacture, Testing and Use of	June 24, 1941—Vol. 26, No. 25
Concrete Rules (Hydrated Lime)....	Aug. 3, 1937—Vol. 22, No. 31

Last Publication in Bulletin	
Elevator Rules	Mar. 3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors).....	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules.....	Feb. 2, 1943—Vol. 28, No. 5
Fire Alarm Rules (Interior).....	June 8, 1943—Vol. 28, No. 23
Fire Drill Rules.....	Aug. 17, 1943—Vol. 28, No. 33
Fire-resistive, Flameproof Materials, etc., Rules for Testing of.....	June 1, 1943—Vol. 28, No. 22
Fire Retarding Rules for Garages, etc.	Dec. 16, 1941—Vol. 26, No. 50
Fireproof Wood, Testing of.....	Apr. 13, 1937—Vol. 22, No. 15
Frame Garages, Ruling for.....	Jan. 21, 1919—Vol. 4, No. 3
Fusion Welding and Gas Cutting Rules	Apr. 27, 1943—Vol. 28, No. 17
Gas Shut-Off Rules.....	Apr. 7, 1925—Vol. 10, No. 14
Hatchway Protection	June 5, 1928—Vol. 13, No. 23
Insulating Fibre Board Rules.....	Mar. 23, 1943—Vol. 28, No. 12
Oil Burner Rules.....	July 13, 1943—Vol. 28, No. 28
Opening Protective Assemblies, Rules for Inspection of.....	July 27, 1943—Vol. 28, No. 30
Paint, Varnish and Lacquer Spraying Rules	July 13, 1943—Vol. 28, No. 28
Platform Trucks, Specifications for..	Nov. 24, 1936—Vol. 21, No. 47
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Procedure, Rules of.....	Sept. 7, 1937—Vol. 22, No. 36
Refrigerating Systems, Extract A.C.	Aug. 17, 1943—Vol. 28, No. 33
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Sprinkler Rules	June 29, 1937—Vol. 22, No. 26
Standpipe Fireline Rules.....	June 8, 1937—Vol. 22, No. 23
Structural Alterations, Reporting....	June 7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc.....	Nov. 24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.....	Nov. 24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)....	Apr. 10, 1923—Vol. 8, No. 15

Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

SEPTEMBER 14, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 14, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

82-43-BZ—Application of James A. Boyle, applicant, on behalf of Louis L. Ahlers and Mary Fromer, owners (Celtic Circle, Inc., Sheepshead Bay Unit No. 1, lessee), reopened and restored to calendar, July 20, 1943, under section 7c of the zoning resolution, to permit partly in a residence use and partly in a business use district, the erection of a grandstand for an athletic field, the use of which is primarily for business purposes (previously dismissed for lack of prosecution); premises 1232-1254 Avenue Z and 2602-2644 East 13th street, southwest corner and 2601-2649 Homecrest avenue (Block 7457, Lots 1 and 15), Borough of Brooklyn.

663-42-BZ—Application, September 8, 1942, under sections 7e and 21 of the zoning resolution, of Jacob Beller, applicant, on behalf of Henrietta Coopersmith, owner (Annie Oakley, lessee), to permit in a residence use district, for a term of two years, the conversion of occupancy of an existing frame structure, to a stable for more than five horses and also, as a riding academy;

CALENDAR

premises 90-17 71st avenue and 70-67 to 70-79 Walnut street, northwest corner (Block 3899, Lot 1), Forest Hills, Borough of Queens.

282-35-BZ—Application of Paul Friedman, applicant, on behalf of Bay Parkway Holding Corporation, owner (Empire Chevrolet, Inc., lessee), reopened July 20, 1943, under section 7f of the zoning resolution, to permit in a business use district, for a term of five years, the conversion of occupancy of the use of the premises as office, five car garage and auto laundry to office, lubritorium, auto laundry and gasoline service station; premises 1159-1167 Utica avenue and 5002-5010 Clarendon road, southeast corner (Block 4771, Lot 1), Borough of Brooklyn.

Appeals from Administrative Decisions.

332-43-A—77-52 74th street, west side, 89 ft. north of 78th avenue (Block 3811, Lot 29), Glendale, Borough of Queens.

346-43-A—87-86 188th street, west side, 100 ft. north of Hillside avenue (Block 9960 (1007), Lot 56 (1)), Hollis, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

SEPTEMBER 14, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon, September 14, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

746-42-A—241 West 72nd street, north side, 280 ft. 5½ in. west of Broadway (Block 1164, Lot 15), Borough of Manhattan.

267-43-A—Re packaging of combustible mixture, known as "Neptune Waterproof Belt Cement," in one-quart and one-pint glass bottles (capacity of glass bottles not in conformity with Administrative Code Specifications).

910-39-A—107-111 Myrtle avenue, north side, 21 ft. west of Bridge street (Block 143, Lot 30), Borough of Brooklyn (reopened July 13, 1943).

710-42-S—57-02 48th street (Block 24552, Lot 24), Maspeth, Borough of Queens.

52-43-A—645-669 73rd street, north side, 203 ft. 8 in. west of Seventh avenue and 656-674 72nd street (Block 5911, Lot 31), Borough of Brooklyn.

313-43-A—28 South 9th street, south side, 98 ft. east of Kent avenue (Block 2144, Lot 10), Borough of Brooklyn.

252-42-A—296-302 7th street, south side, 214 ft. 4 in. west of Fifth avenue (Block 998, Lots 26, 28 and 29), Borough of Brooklyn, (reopened and restored to calendar, November 10, 1942; previously withdrawn).

364-43-A—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

615-42-A—1680 Broadway, east side, 104 ft. south of West 53rd street (Block 1024, Lot 38), Borough of Manhattan.

369-43-A—1764-1768 and 1770 Circumferential parkway, northwest corner of Bay 37th street (Block 6942, Lots 17 and 92), Borough of Brooklyn.

635-41-A—398-408 Riverdale avenue, southwest corner of Junius street (Block 3831, Lot 25), Borough of Brooklyn (reopened May 4, 1943; previously withdrawn).

99-43-A—770-774 Eastern parkway, south side, 90 ft. west of Kingston avenue (Block 1271, Lot 31), Borough of Brooklyn.

331-43-A—30-89 32nd street, east side, 125 ft. north of 31st avenue (Block 616, Lot 2), Long Island City, Borough of Queens.

372-43-S—442-448 Fourth avenue, northwest corner of East 30th street (Block 860, Lot 37), Borough of Manhattan.

375-43-A—442-448 Fourth avenue, northwest corner of East 30th street (Block 860, Lot 37), Borough of Manhattan.

47-43-A—3064 Brighton 4th street, west side, 124 ft. north of Brighton Beach avenue (Block 7284, Lot 1260), Borough of Brooklyn.

709-42-A—199 Broadway, north side, 25 ft. 5¼ in. west of Washington Plaza (Block 2444, Lot 92), Borough of Brooklyn.

382-43-A—150 Ocean parkway, west side, 395 ft. south of Caton avenue (Block 5328, Lot 30), Borough of Brooklyn.

255-43-A—28-53 216th street, north side, 477.32 ft. east of 28th avenue (Block 6019, Lot 1), Bayside, Borough of Queens (under section 35, General City Law—re bed of mapped street—29th avenue).

385-43-A—150-01 Union Turnpike, northeast corner of 150th street (Block 6712, Lots 16 and 17), Flushing, Borough of Queens (under section 35, General City Law re bed of mapped street—150th street).

HARRIS H. MURDOCK, *Chairman.*

SEPTEMBER 21, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning, September 21, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Zoning Applications.

258-35-BZ—Application of Henry C. Brucker, applicant, on behalf of Octagon Laundry, Inc., owner, reopened July 27, 1943, re amendment to resolution—re Application, previously granted on condition, under section 7b of the zoning resolution, permitting the extension from a business use district into a residence use district, of an existing wet wash laundry and the erection, partly in a business use district and partly in a residence use district, of a proposed garage for more than five motor vehicles as an accessory to the laundry; premises 2120-2124 Menahan street (rear), south side, 185.96 ft. east of Grandview avenue (Block 3373, Lot 18), Ridgewood, Borough of Queens.

637-39-BZ—Application of J. G. L. Molloy, applicant, on behalf of Shell Oil Co., Inc., owner, reopened July 13, 1943, under sections 7f and 7c of the zoning resolution, to permit in a retail use district, for a term of years, the parking of more than five motor vehicles, upon part of an existing gasoline service station; which gasoline service station was previously extended by the Board; premises 63-56 Austin street and 91-39 63rd drive, southwest corner (Block 3103, Lot 43), Rego Park, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

SEPTEMBER 21, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon, September 21, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions.

191-43-A—15 West 77th street and Central Park West at 79th street (Block 1130, Lot 1), Borough of Manhattan.

12-43-A—679 Broadway, west side, 25 ft. south of West 3rd street (Block 532, Lot 10), Borough of Manhattan.

658-42-A—45 Roebling street, southeast corner of North 9th street (Block 2314, Lot 5), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 19, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, October 19, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Zoning Application.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

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RULES

EXTRACTS FROM THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, RELATING TO REFRIGERATING SYSTEMS

General Provisions.

§C19-2.0. Definitions.

Unless otherwise expressly stated, whenever used in this chapter the following terms shall respectively be deemed to mean:

34. Refrigerating system, a combination of apparatus in which a refrigerant is circulated for the purpose of extracting heat.

(a) The parts of the system are the compressor, generator, condenser, absorber, receiver, shell type or tube type apparatus, pipes, vessels, or other parts, containing refrigerant.

(b) Direct refrigeration, a system in which the refrigerant is circulated to the substance or space refrigerated.

(c) Indirect refrigeration, a system in which brine cooled by the refrigerant is circulated to the substance or space refrigerated.

(d) Refrigerant is the chemical agent other than brine used to produce refrigeration.

(e) Irritant refrigerant, any refrigerant which when breathed, attacks the throat or lungs.

(f) Hydrocarbon refrigerants, any refrigerant of the hydrocarbon class.

(g) Flammable refrigerant, any refrigerant which will burn or explode when mixed with certain proportions of air.

(h) Refrigerating machinery room, a room in which is located a refrigerating system containing refrigerant, but not including expansion coils when located in cold storage rooms or expansion coils when located in refrigerator boxes.

(i) Factor of safety, the multiple three and one-third ($3\frac{1}{3}$), the product of which and the test pressure, constitutes the probable rupture pressure.

(j) Pressure imposing element, that apparatus which draws the refrigerant from the low pressure or low temperature side of the system and discharges it into the high pressure or high temperature side of the system.

(k) Pressure limiting device, a pressure or temperature responsive mechanism for automatically stopping the operation of the pressure imposing element.

(l) Brine, any liquid which having been cooled by the refrigerating system is used for the transmission of heat.

(m) Pressure relief device, a pressure relief valve, a rupture member, fusible plug or other approved device for relieving the pressure.

(n) Pressure relief valve, a valve held shut by a spring or other means to automatically relieve pressure in excess of its setting.

(o) Rupture member, a device that will automatically rupture at a pre-determined pressure.

(p) Liquid receiver, a vessel permanently connected to a system by inlet and outlet pipes for storage of a liquid refrigerant.

(q) Container, a cylinder for the shipment of refrigerant constructed to conform to the regulations of the Interstate Commerce Commission.

(r) Mixer, a vessel or device in a system for mixing the ammonia or other soluble vapor with water.

(s) Stop valve, a cut-off valve for use during normal operation.

(t) Service valve, a key-operated shut-off valve used only during shipment, installation or repairs.

(u) Fusible plug, a device having a predetermined-temperature fusible member for the relief of pressure.

§C26-235.0. Definitions.

(a) **Public Buildings.** Public buildings are structures or parts of structures in which persons congregate for civic, political, educational, religious or recreational purposes, or in which persons are harbored to receive medical,

charitable or other care or treatment, or in which persons are held or detained by reason of public or civic duty, or for correctional purposes, including among others, court houses, schools, colleges, libraries, museums, exhibition buildings, lecture halls, churches, assembly halls, lodge rooms, club houses with more than five sleeping rooms, dance halls, theatres, bath houses, hospitals, asylums, armories, fire houses, police stations, jails and passenger depots.

(b) **Residence Buildings.** Residence buildings are structures or parts of structures in which sleeping accommodations are provided, except such as may for other reasons be classed as public buildings, including multiple dwellings as defined in the Multiple Dwelling Law.

(c) **Commercial Buildings.** Commercial buildings are structures or parts of structures, which are not public buildings or residence buildings, including among others, office buildings, factory buildings, salesrooms (stores), markets, restaurants, warehouses, freight depots, car barns, stables, garages, motor vehicle repair shops, factories, laboratories, smoke houses, grain elevators, coal pockets, central station power plants and electric sub-stations.

Bonds and Fees.

§C19-24.0. Fees for Permits.

Applicants for permits under the provisions of this chapter shall pay annual fees as follows:

35. Refrigerating systems:

Class A systems.....	\$20.00
Class B systems.....	10.00
Class C systems containing over six pounds of refrigerant	5.00
Class C systems containing six pounds or less of refrigerant	1.00

Refrigerating Systems.

C19- 96.0.	Permits.
C26-214.0.	Supervision.
C19- 97.0.	Classification.
C19- 98.0.	Permissible locations.
C19- 99.0.	Refrigerating machinery rooms and ventilation.
C19-100.0.	Open flames and electrical equipment.
C19-101.0.	Testing.
C19-102.0.	Piping.
C19-103.0.	Safety devices.
C19-104.0.	Size of safety devices.
C19-105.0.	Location and discharge of safety devices.
C19-106.0.	Operating precautions.
C19-107.0.	Equipment diagrams.

§C19-96.0. Permits.

(a) Except as hereinafter provided in this article it shall be unlawful to maintain or operate a refrigerating system without a permit.

(b) A permit will not be required for a Class C system when maintained or operated in the residence portion of a dwelling containing not more than two families, or in the residence portions of either a tenement house or a business building.

(c) It shall be unlawful to maintain or operate any refrigerating system employing a refrigerant other than those specified in this article without a permit issued upon such conditions, consistent with the provisions of this article, as are deemed by the fire commissioner necessary in the interest of public safety.

NOTE:—The Fire Chief and Commissioner prescribed under date of April 4, 1934, the following:

1. That the refrigerants dichlorodifluoromethane, known as "Freon" ("Kinetic No. 12" also "F-12") CCl_2F_2 also dichlorotetrafluoroethane ("F-114") $\text{C}_2\text{Cl}_2\text{F}_4$ and monofluorotrichloromethane ("F-11") CFC^3 are non-flammable and non-irritant, unless otherwise hereinafter provided, and

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shall be regulated in accordance with the provisions of Article 18 of Chapter 19 of the Administrative Code, as such, except, when used in a room or rooms in which there is an open flame or apparatus to produce an open flame, when the provisions of said article covering irritant refrigerants shall apply.

2. That refrigerating systems employing F-11, F-12 or F-114 are restricted to parts of a building so specified in Section C19-98.0 (b) for refrigerants other than non-irritant and non-flammable.

3. That refrigerating systems employing F-11, F-12 or F-114 used for air conditioning are restricted to the indirect method except that the direct method may be used in parts of a building so specified in Section C19-98.0 (b) for refrigerants other than non-irritant and non-flammable.

4. That refrigerating systems employing F-11, F-12 or F-114 shall not be installed or maintained in or on the stairways, halls, lobbies, entrances, exits or auditoriums of any building.

5. That refrigerating systems employing F-11, F-12 or F-114, shall not be installed or maintained in a hospital, unless the entire system is confined in a fireproof machinery room, used for no other purpose, and in which no open flame shall be employed, except that the Class "C" system containing not more than 10 pounds of refrigerant may be used in a diet kitchen which shall be cut off from the rest of the building by a tight fitting self-closing door or doors and provided with a window or windows to the outside air. All open flames, and/or apparatus for producing an open flame, in diet kitchens where these refrigerants are used shall be vented to the outside air as hereinafter required in Paragraph 8.

6. That refrigerating systems employing F-11, F-12 or F-114 may be installed or maintained in a hospital private room, having tight partitions and tight fitting self-closing door or doors and where not more than two persons are helpless and/or given medical treatment, provided there is no open flame and/or apparatus for producing an open flame in such room and when the system contains not more than 10 pounds of refrigerant.

7. That a refrigerating system employing F-11, F-12 or F-114 shall not be installed or maintained in a theatre and/or motion picture theatre unless the entire system is confined in a fireproof machinery room, used for no other purpose, and in which no open flame and/or apparatus to produce such open flame shall be employed, except that Class "C" systems containing not more than ten pounds of refrigerant may be installed in a rest room, smoking room or lounging room provided in such rooms no open flame or apparatus to produce such open flame shall be employed.

8. That a refrigerating system employing F-11, F-12 or F-114 when used in a room or rooms in which there is an open flame or apparatus to produce such open flame, such open flame and/or apparatus shall be provided with a hood and independent mechanical ventilation so arranged as to convey all the products of combustion to the outside of the building. This provision shall apply only to diet kitchens of hospitals and to Class "C" systems in schools, churches, dance halls, court rooms, police stations, jails, asylums, subways, passenger depots, rooms opening into passenger depots and/or subways and such other places as are deemed by the Fire Commissioner necessary in the interest of public safety.

9. That, except for Class "C" systems located in rooms in which no open flame or apparatus to produce such flame shall be employed containing not more than ten pounds of refrigerant, each refrigerating machinery room in any building in which F-11, F-12 or F-114 are used, shall be maintained vapor-tight and provided with tight fitting, self-closing doors, in accordance with Section C19-99.0 (a).

10. That each refrigerating machinery room in which F-11, F-12 or F-114 is used, shall be adequately ventilated directly to the outside air in accordance with Section C19-99.0 (b), 1, 2, 3 and 4.

11. Test pressures and setting of safety valves for systems employing F-11, F-12 or F-114, shall be included in Section C19-101.0 as follows:

Refrigerant	Column No. 1	Column No. 2	Column No. 3
F-11	25	15	15
F-12	180	120	135
F-114	60	30	30

12. That the size of pressure relief valves for systems in which F-11, F-12 or F-114 is employed, shall be as follows:

Capacity of System	Number Required
Up to 30 tons	One 1/2 inch
30 to 60 "	One 3/4 "
60 to 100 "	One 1 "
100 to 175 "	One 1 1/4 inches
175 to 250 "	One 1 1/2 "
250 to 450 "	One 2 "
450 to 900 "	Two 2 "

13. That the storage of F-11, F-12 or F-114 shall conform with Section C19-106.0 (c)-5 for other refrigerants.

14. That all other sections or parts of Article 18 of the Administrative Code not so mentioned, shall be complied with.

15. That refrigerating systems employing F-11, F-12 or F-114, installed prior to May 19, 1932, shall be inspected, and if found to comply with the rules, or if in the opinion of the Fire Commissioner, the installations are of a non-hazardous character, a permit may be issued. Installations which have been made in hospitals, theatres, asylums and places of public assembly shall be made to comply strictly with these rules.

(d) A permit, where required, shall be applied for forty-eight hours after installation is completed, containing the name of the person for whom the system is installed and the place or location of the system.

(e) Only the refrigerant specified in the permit shall be used in the system.

(f) Refrigerating systems to which these provisions cannot be applied, may be maintained and operated subject to such conditions as are deemed necessary by the fire commissioner.

§C26-214.0. Refrigeration System Operators; Certificate of Qualification.

(a) It shall be unlawful to maintain or operate in any building any refrigerating system containing more than fifty (50) pounds of refrigerant except under the personal supervision, direction or control of either a duly licensed engineer or a person who has obtained a certificate of qualification from the superintendent to operate such a system. Where the system contains two hundred (200) pounds or less of refrigerant and is fully automatic, only one qualified operator will be required.

(b) It shall be unlawful to maintain or operate in a public building or exhibition hall any Class C system permitted for exhibition or demonstration purposes except under the personal supervision, direction or control of either a duly licensed engineer or a person who has obtained a certificate of qualification from the superintendent to operate such a system.

(c) Upon receipt of such certificate the applicant therefor shall pay an annual license fee as follows: For the initial fee \$5, and for renewal thereof the sum of \$1 provided application for such renewal be made within thirty days prior to the expiration of such certificate. Any such certificate may be revoked or suspended for cause at any time by the superintendent.

§C19-97.0. Classifications.

(a) The total amount of refrigerant common to a system operating through one or more evaporators, shall be considered the capacity of the system and determine its class.

(b) A Class A system is a system containing one thousand (1,000) pounds or over of refrigerant, or capable of thirty (30) tons capacity or over.

(c) A Class B system is a system capable of less than thirty (30) tons capacity, or containing less than one thousand (1,000) pounds of refrigerant and more than amounts provided for in a Class C system.

(d) A Class C system is a system containing not more than twenty (20) pounds of refrigerant.

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§C19-98.0. Permissible Locations.

(a) It shall be unlawful to install any Class A or Class B systems in any public building as defined by subdivision a of section C26-235.0 of the code, until plans have been filed with and approved by the fire commissioner, and no refrigerant shall be placed in the system until a permit has been obtained from the fire commissioner.

(b) The direct method of refrigeration shall not be used in any building, whether or not a permit is required for installation therein, outside of the refrigerating machinery room except in buildings used exclusively for ice making or for refrigerating purposes, or when such method is not carried above the first floor in business buildings, or in the business sections of business buildings provided the entire system is confined to one floor in the space occupied by a single tenant, or in the business section of a residence building when not carried above the first floor, or in a residence building occupied by not more than two families, or in any building provided a non-irritant and non-flammable refrigerant is used. The provisions of this subdivision shall not apply to a building in which installation was made prior to December 13, 1927.

(c) It shall be unlawful to use brine in any brine circulating system that will generate flammable vapor at a temperature below 100 degrees Fahrenheit when tested in a Tagliabue open cup tester, and no refrigerant shall be use as a brine.

(d) It shall be unlawful to install or maintain a Class A system using ammonia in any building above the first floor level unless such building is used exclusively for ice making or refrigerating purposes. The provisions of this subdivision shall not apply to a building in which installation was made prior to December 13, 1927.

(e) Systems on demonstration in exhibition halls shall be limited to the unit type containing not more than ten (10) pounds of refrigerant.

(f) It shall be unlawful to install or maintain a refrigerating system employing an irritant or inflammable refrigerant in or on:

1. The stairways, halls, lobbies, entrances, exits or auditoriums of any building;

2. Dance halls, court rooms, police stations, jails, subways, theatres, or motion picture theatres;

3. Waiting or public rooms in a railroad passenger depot or rooms opening directly therein;

4. Rooms opening directly into a subway, or theatre, or motion picture theatre, or where persons are detained or confined;

5. A school, unless the refrigerating system is used exclusively for instructions or research purposes;

6. A hospital or asylum in which persons are confined or given medical treatment or helpless. Unless otherwise required by this section, such refrigerating system shall be cut off from the building by unpierced fireproof construction.

The foregoing provisions do not apply to hermetically sealed unit system containing not more than six (6) pounds of refrigerant when located in dance halls, police stations, diet kitchens of hospitals, schools, or laboratories, and when located in rooms shut off from the rest of the building by tight partitions and tight-fitting, solid, self-closing doors and located in a room having a window to the outside air.

(g) An intermittent absorption type of refrigerating machine shall not be permitted in a Class A system. Such a type of machine shall be permitted in a Class B system only when a heating medium of low pressure steam is used in its operation.

(h) The use of methyl and ethyl chloride, sulphur dioxide, or a hydro-carbon refrigerant will not be permitted in Class A systems.

(i) A Class B system using ethyl chloride or a hydro-carbon refrigerant shall not be installed or maintained in the Borough of Manhattan or in other built-up sections of the city. Elsewhere, it shall be installed or maintained only in a fireproof building of not more than one story in height, and shall be located on the ground floor, which shall be of

unpierced fireproof construction. The refrigerating machinery room shall be cut off from the rest of the building by unpierced fireproof walls of not less than eight inches (8") of brick or six inches (6") of reinforced concrete. Direct exit therefrom leading to the open air and not to any other part of the building shall be maintained and shall be provided with vapor-tight, self-closing, fireproof doors.

§C19-99.0. Refrigerating Machinery Rooms and Ventilation.

a. Refrigerating machinery rooms.

1. All refrigerating machinery rooms in which an irritant refrigerant is used shall be maintained vapor-tight except that all doors which open to other parts of the building shall only be required to be self-closing and close fitting, and shall be kept closed at all times, except during entrance or exit. All other openings that may permit the passage of vapor to other parts of the building shall be vapor-tight and kept closed. No opening from elevator shafts shall be permitted in the refrigerating machinery room. This provision, however, shall not apply to dumb-waiter shafts the door openings of which are protected with self-closing fire doors or to a system containing less than six (6) pounds of refrigerant. Closets solely contained within and opening only into the refrigerating machinery room shall be considered as part of the room in which it opens.

2. In Class A and Class B systems in which an irritant refrigerant is used, the doors of the refrigerating machinery rooms shall open outwardly.

b. Ventilation.

1. Each Class A, B and C refrigerating machinery room of any system shall be independently provided with means for adequate ventilation to the outer air. The ventilation shall consist of a window or windows opening directly to the open air, or mechanical means capable of exhausting the foul air from the room.

2. When a window or windows are used, if placed in opposite walls so as to provide a through air circulation to the outer air, a total area of inlet and outlet, respectively, of not less than that specified in Column D of the table in subdivision 4 shall be provided. When a window or windows are placed in one wall a total area shall be provided not less than that specified in Column E of such table.

3. When mechanical means are used they shall consist of a power-driven exhaust fan of the enclosed case blower type which shall be capable of removing from the refrigerating machinery room the amount of air specified in Column B of the table in subdivision 4. The inlet to the fan shall be located near the refrigerating equipment. The outlet from the fan shall terminate not less than six (6) feet above the sidewalk and in no case under a stairway or fire escape. Where air ducts are used on either the inlet or discharge side of the fan they shall each have an area not less than that specified in Column C of such table. Sharp bends in the run of the ducts shall be avoided. The control for such mechanical means of ventilation shall be easily accessible and located outside of the refrigerating machinery room.

4.

Pounds of Refrigerant in System	Mechanical Cu. Ft. per Minute Discharge	Window Area		
		Mechanical Sq. Ft. Duct Area	in Sq. Ft. for each Opposite Side	Window Area in Sq. Ft. for One Side Only
A	B	C	D	E
Up to.... 20	150	1/4	1	6
50	250	1/3	1 1/2	12
100	400	1/2	2	16
150	550	2/3	2 1/2	19
200	680	3/4	3	25
250	800	1	3 1/2	29
300	900	1	4	32
400	1,100	1 1/4	4 1/2	38
500	1,275	1 1/4	5	42

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600	1,450	1½	6	45
700	1,630	1½	6½	48
800	1,800	2	7	51
900	1,950	2	7½	55
1,000	2,050	2	8	59
1,250	2,350	2¼	9	68
1,500	2,800	2½	11	78
1,750	3,150	3	12½	87
2,000	3,500	3½	14	95
2,500	4,150	4	16	113
3,000	4,500	4½	18	130
4,000	6,000	6	24	167
5,000	7,500	7½	30	204
6,000	9,000	9	36	241
7,000	10,500	10½	42	278
8,000	12,000	12	48	315
9,000	13,000	13	52	342
10,000	14,000	14	56	360
12,000	17,000	17	68	425
14,000	19,000	19	75	470
16,000	22,000	22	86	540
18,000	24,000	24	92	580
20,000	26,500	26	100	630
25,000	33,000	33	121	760
30,000	39,000	39	142	870
35,000	44,000	44	155	940
40,000	51,000	51	176	1,060
45,000	56,000	56	190	1,120

Note—Door openings leading directly to the open air shall be considered equivalent to windows for the requirements specified in columns "D" and "E" of this table.

5. Where a non-irritant or non-flammable refrigerant is employed, the requirements as given in the table in subdivision 4 may be reduced by one-half. When air or water is employed as the refrigerant no ventilation shall be required.

6. In lieu of mechanical means of ventilation in refrigerating machinery rooms where a Class A system or a Class B system using ammonia is installed, a water deluge may be provided which shall consist of a sprinkler system having open heads of not less than one-quarter inch (¼") orifice spaced not more than eight feet apart in any direction, and such system shall be located above all the refrigerating apparatus and piping in the refrigerating machinery room. Not more than one head shall be installed on a ¾-inch pipe; five heads on a 1-inch pipe; six heads on a 1¼-inch pipe. The deluge system shall be permanently connected with the main house supply or other assured source from which a constant water pressure of not less than twenty pounds per square inch can be maintained on the inlet side of the main control valve or valves at all times. The control valve or valves for such water deluge system shall be manually operated and easily accessible, and shall be labeled and located outside of the refrigerating machinery room.

§C19-100.0. Open Flames and Electrical Equipment.

a. Open flames.

No fire-flame or arc light will be permitted in a Class A or B refrigerating machinery room in which a flammable refrigerant is used.

b. Electrical equipment.

1. All Class A and B refrigerating systems containing more than fifty (50) pounds of refrigerant shall have an emergency switch controlling all of the electrically-operated refrigerating machinery or the remote control of such a switch located outside of the refrigerating machinery room where it can be quickly reached and operated in case of necessity.

2. Where the operating mechanism in any system is dependent upon electrical control, such control in a pressure limiting device shall be on a closed circuit. Nothing herein contained shall require a hand reset on an automatic type of refrigerating machine.

§C19-101.0. Testing.

Every part of any refrigerating system, except pressure gauges and control mechanism shall be tested to at least the following pressures: Class A and B systems containing over fifty (50) pounds of refrigerant shall be tested after installation and proved tight before being operated. A dated declaration of such test, signed by the tester, shall be posted in the machinery room.

Refrigerant	Col. 1 High Pressure Side	Col. 2 Low Pressure Side	
		With Safety Valves	Without Safety Valves
Carbon dioxide	1,500	750	1,000
Ethane	1,050	520	760
Ammonia	300	150	225
Propane	250	115	175
Methyl chloride	155	80	120
Sulphur dioxide	135	100	100
Iso-butane	90	45	70
Butane	75	35	50
Ethyl chloride	30	15	25
Dichloromethane	12	12	12
Dichloroethylene	12	12	12
Trichloroethylene	12	12	12

§C19-102.0. Piping.

a. Piping.

1. All piping, liquid receivers or vessels containing the refrigerant, shall be supported on or by strong and durable materials. This provision shall not apply to Class C installations.

2. The arrangement of stop valves, relief devices, and other similar devices, when used shall be as shown on the diagram for Class A and B systems in section C19-107.0 of the code.

3. Every system which may be charged after installation shall have the charging connection located on its low pressure side.

b. Gauge glasses.

Liquid level gauge glasses, except those of the bull's eye type, shall have automatic closing shut-off valves and such glasses shall be adequately protected against injury by slotted metal casings.

§C19-103.0. Safety Devices.

a. Construction and setting.

1. Pressure relief valves, pressure limiting devices and rupture members shall be set to prevent the pressure from exceeding the test pressure. The pressure at which the device is set to function shall be indicated thereon. (See section C19-101.0 of the code, columns 1 and 2 of table.)

2. Fusible plugs shall relieve the pressure at a temperature not exceeding 280 degrees Fahrenheit.

b. Use of stop valves.

1. It shall be unlawful to locate a stop valve between a pressure relief device or pressure limiting device and the part of the system protected thereby, unless two pressure relief devices of required size are used, and so arranged that only one pressure relief device can be cut off for repair purposes at any one time.

2. A Class B system in which no stop valves are used and in which the pressure will equalize throughout the system when the pressure imposing element is not in operation may be protected by only one pressure relief device located on the high pressure side.

c. Ammonia mixer.

1. The low pressure side of a Class A ammonia system shall be provided with a hand-operated valve for discharging the ammonia into water through a mixer to the sewer in case of emergency.

2. The ammonia mixer shall be constructed of steel and shall be capable of withstanding a pressure of at least fifty (50) pounds per square inch.

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3. It shall be unlawful to locate a valve in the ammonia emergency discharge line, except for the manually-operated valve discharging into the water and ammonia mixer, but there may be one stop valve located inside the building for repair purposes only. This valve shall be sealed open and labeled "Keep Open."

4. The manually operated pressure relief valve shall be located in a locked box which can be opened by members of the Fire Department by means of a Fire Department key. The door of the box shall be on the public thoroughfare side of the building in an easily accessible location and not less than eighteen (18) inches or more than five (5) feet above the sidewalk level. The box shall be permanently labeled with letters of not less than one (1) inch reading "For Fire Department Use Only." The relief valve shall be labeled "Ammonia." A sign shall be posted within the box reading "Do Not Open Valve Until Water Is Flowing."

5. A single standard three (3) inch fire department connection shall be provided through which the necessary water may be supplied to the mixer. The fire department connection shall be located near the box and not less than eighteen (18) inches or more than twenty-four (24) inches above the sidewalk level and shall be permanently labeled having letters not less than one (1) inch high reading "To Ammonia Mixer." A check valve so set as to prevent gases from reaching the fire department connection shall be installed in the water line between the fire department connection and the water and ammonia mixer.

6. The fire department shall have sole use of the mixer and supply the necessary water.

7. In systems using over twenty-seven thousand (27,000) pounds of ammonia there shall be provided one additional water and ammonia mixer for each twenty-seven thousand (27,000) pounds of ammonia or fraction thereof so used in excess.

8. The ammonia mixer and its connection for a Class A system shall conform to the diagram in section C19-107.0 of the code.

§C19-104.0. Size of Safety Devices.

(a) The size of pressure relief valves shall be as follows:

Capacity of System	CO ₂ and Ethane, No. Req., Size	Other Refrigerants, No. Req., Size
Up to 30 tons.....	1—1½"	1—1½"
30 to 60 tons.....	1—1½"	1—¾"
60 to 100 tons.....	1—1½"	1—1"
100 to 175 tons.....	1—1½"	1—1¼"
175 to 250 tons.....	1—¾"	1—1½"
250 to 450 tons.....	1—1"	1—2"
450 to 900 tons.....	.....	2—2"

(b) Where rupture members are permitted and used, the equivalent area of the relief valve specified must be provided.

(c) Fusible plugs may be used on all Class C systems and on all Class B systems of the hermetically sealed compression type containing not more than fifty (50) pounds of refrigerant. The free discharge opening shall be one-sixteenth (1/16) inch in diameter.

§C19-105.0. Location and Discharge of Safety Devices.

a. Location.

A pressure limiting device shall be provided on the high pressure side of each water-cooled refrigerating system containing more than six (6) pounds of refrigerant. A pressure relief valve shall be provided on the high pressure side of each water-cooled refrigerating system containing twenty (20) pounds or more of refrigerant, but it shall not be necessary to discharge the refrigerant to the outside air or water tank from any such refrigerating system containing fifty (50) pounds or less of refrigerant, any other provision of part 1, of this title, to the contrary notwithstanding.

b. Location and discharge of safety devices.

1. Each compressor or generator of a Class A or B system containing more than 100 pounds of refrigerant shall be protected by a pressure relief valve connected into the high pressure side between the main stop valve and the compressor or generator to relieve excessive pressure as hereinafter provided.

2. A rupture member may be substituted for the relief valve in CO₂ systems or systems operating below atmospheric pressure.

3. Shell type apparatus such as liquid receivers, condensers, evaporators, liquid separators and absorbers of Class A and Class B systems containing more than fifty (50) pounds of refrigerant, and Class B systems containing fifty (50) pounds or less of refrigerant which can be shut off by stop valves, shall each be equipped with a pressure relief valve, discharging as hereinafter provided.

4. Class C systems and Class B systems containing fifty (50) pounds or less of refrigerant so constructed that, when subjected to abnormal outside temperature such as that generated in a fire, they may burst due to the expansion of the refrigerant, shall be protected by a pressure relief device.

5. A pressure relief valve shall be required on the low pressure side of a Class B system into which the relief valve or valves on the high pressure side discharge, as so shown on equipment diagram of section C19-107.0 of the code.

c. Discharge of pressure relief valve.

1. Where ammonia is used in Class A systems, the discharge from relief valves must be conducted to the outside atmosphere or into that part of the low pressure side protected by the mixer as specified in subdivision C, of section C19-103.0 of the code. If it is discharged to the outside atmosphere it must be piped above the roof or not less than 12 feet above the grade. The discharge pipe shall be not less than the size of the relief valve outlet. The discharge from more than one relief valve may be run into a common header, the area of which shall be equal to the area of the pipes connected thereto. The outlet orifice shall be turned downward.

2. Where more than fifty (50) pounds of ammonia is used in a Class B system, the discharge from relief valves shall be piped to the outside atmosphere as specified for Class A systems, or to the low pressure side as shown in diagrams in section C19-107.0 of the code, or into a tank of water which shall be used for no purpose except ammonia discharge. At least one gallon of fresh water shall be provided for every pound of ammonia contained in the system. The water used shall be prevented from freezing without the use of salt or chemicals. The tank shall be substantially constructed of not less than one-eighth (1/8) of No. 11 U. S. gauge iron. No horizontal dimensions of the tank shall be greater than one-half (1/2) the height. The tank shall have a hinged cover or, if of the enclosed type, shall have a vent hole at the top. All pipe connections shall be through the top of the tank only. The discharge pipe from the pressure relief valves shall discharge the ammonia in the center of the tank near the bottom. The tank shall be as securely supported as any other portion of the system. There shall be no opening in the tank below the water level.

3. Where more than fifty (50) pounds of any refrigerant other than ammonia is used, the discharge from relief valves shall be to the atmosphere as specified for Class A ammonia systems. Carbon dioxide may be discharged into the room if the same contains at least 10 cubic feet of capacity per pound of refrigerant used.

4. Arrangements of pressure relief devices for Class A and B systems shall conform to the diagrams in section C19-107.0 of the code.

§C19-106.0. Operating Precautions.

a. Masks and helmets.

1. In a Class A system which operates above atmospheric pressure, there shall be provided at least two helmets or masks.

2. In a Class B system in which more than fifty (50)

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pounds of ammonia, sulphur dioxide or other irritant refrigerant is used, there shall be provided at least one helmet or mask.

3. Only helmets or masks that have been approved by the United States Bureau of Mines as suitable for the refrigerant employed shall be used, and they shall be kept in operative condition in an easily accessible case or cabinet located immediately outside the refrigerating machinery room.

b. Signs.

1. On Class A and Class B systems containing more than fifty (50) pounds of refrigerant there shall be painted on and affixed in a permanent manner to the main steam control, main electrical and remote control switches, receivers, containers and shell type coolers, signs having letters not less than one and one-half inches ($1\frac{1}{2}$ ") high, designating the part and refrigerant contained therein.

2. The seller of every Class A or B system shall furnish the purchaser with a sign bearing his name at least $8\frac{1}{2}$ " by 11" in size, which gives the rated refrigeration capacity and the quantity and kind of refrigerant required for the satisfactory operation of the system. The purchaser shall conspicuously and permanently display this sign in the machinery room. The quantity and name of the proper refrigerant content and the rated refrigeration capacity shall be stamped on all Class C systems near to or on the name plate.

3. The following information shall be posted in Class A and B machinery rooms where over fifty (50) pounds of refrigerant is used: (a) The names and addresses of the engineers or operators in charge; (b) Location of nearest fire alarm box; (c) The name, address and telephone number of physician to be called in case of emergency; (d) Instructions for safely shutting down the plant in case of emergency.

c. Storage of refrigerant.

1. Refrigerant not contained in the refrigerating system shall be stored only in non-inflammable or non-irritant containers conforming to the regulations prescribed by the Interstate Commerce Commission for the transportation of such refrigerant.

2. Only two containers holding not more than a total of three hundred (300) pounds of inflammable or irritant refrigerant shall be stored in a refrigerating machinery room of a Class A system.

3. Only one container holding not more than one hundred and fifty (150) pounds of inflammable or irritant refrigerant shall be stored in a refrigerating machinery room of a Class B system.

4. In a Class C system no refrigerant other than that used in the system shall be stored in the refrigerating machinery room.

5. If a greater amount of inflammable or irritant refrigerant than that permitted in a refrigerating machinery room is desired, it shall be stored in a fireproof building or enclosure used for no other purpose.

6. When the refrigerant is withdrawn from a system it shall be discharged only into a suitable absorbent or containers conforming to the regulations of the Interstate Commerce Commission for the transportation of such refrigerant. It shall be unlawful to permit any refrigerant to escape into the refrigerating machinery room.

7. Containers shall be connected to the system only during period of charging or withdrawing the refrigerant.

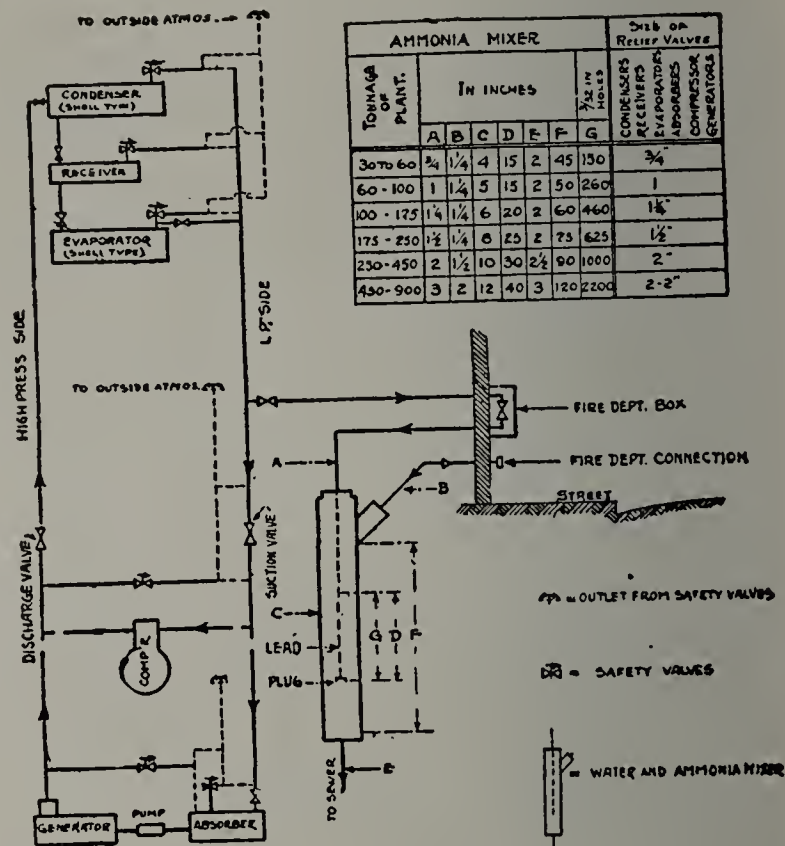
§C19-107.0. Equipment Diagrams.

(See arrangement of pressure relief devices for Class A and Class B equipment.)

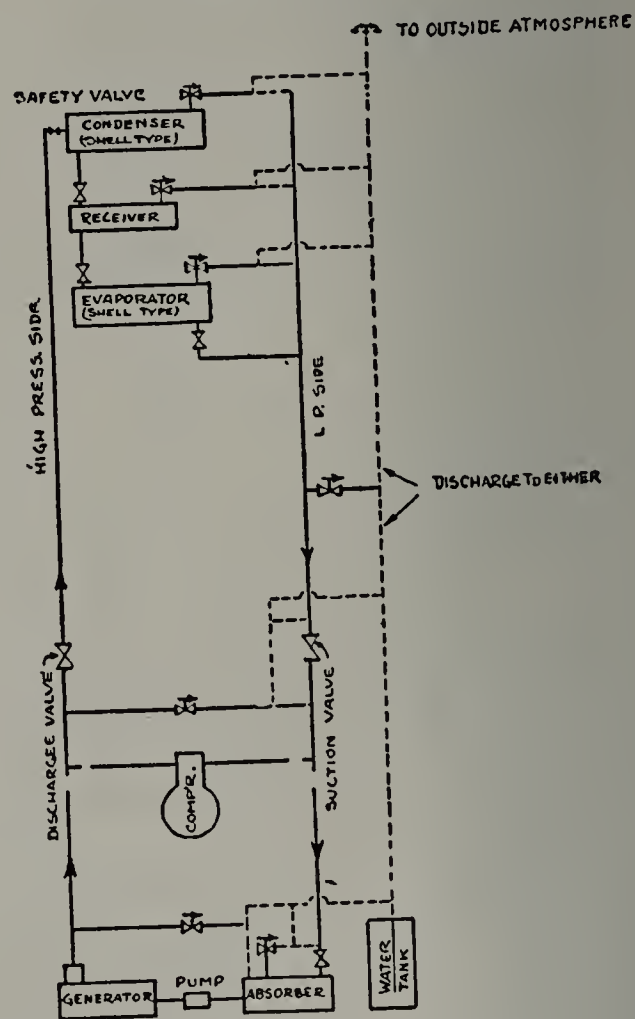
Penalties.

§C19-152.0. Violations.

Any person who shall willfully violate or neglect or refuse to comply with any provisions of part 1, of this title, except the provisions of article twenty-six, in addition to any other penalties prescribed by law, shall, upon conviction, be punished by a fine of not more than \$500, or by imprisonment not exceeding six months, or by both.



ARRANGEMENT OF PRESSURE RELIEF DEVICES
FOR
CLASS 'A' EQUIPMENT
SECTION C19-107.0



ARRANGEMENT OF PRESSURE RELIEF DEVICES
FOR
CLASS 'B' EQUIPMENT
SECTION C19-107.0

RULES

Fire Drill Rules, Adopted By the Board of Standards and Appeals, October 5, 1923

(593-23-SR)

DEFINITION OF "FIRE DRILL."

The method and practice of the systematic and orderly vacating of a building by its occupants in case of emergency, panic or fire in the least possible time—by the nearest safe means of exit—and the use of fire appliances which shall be provided for the extinguishing or retarding of fire and the safeguarding of human life.

Rule 1.

In all buildings as defined in Article 1, Section 10 of the Labor Law in which fire drills are required pursuant to Section 279 thereof and in any other building in which such drills are required by the Fire Commissioner pursuant to the power conferred in section 491 of the New York City Charter, it shall be the duty of the owners, lessees or tenants to conduct fire drills monthly and at such other times as the Fire Commissioner may direct.

For the purpose of conducting such fire drills the owner or tenant shall appoint from among their employees such responsible and dependable persons, male or female, who shall efficiently perform the duties of the various positions of the fire drill organization, as specified on the accompanying chart.

It shall be the duty of the owner or tenant to enter in the blank spaces provided for that purpose in said chart the names of persons so selected and post said chart and copies of the rules in a conspicuous place.

FIRE DRILL ORGANIZATION

Premises

Name of concern

Building No.....Story.....

FOREMAN OR PERSON IN CHARGE

Regular

Substitute

WATCHMAN

MALE SEARCHER

FEMALE SEARCHER

STREET ALARM BOX RUNNER

FIRE BRIGADE

EXIT GUARDS

Exit.....

"

"

"

"

"

SQUAD MONITORS

.....Squad No. 1.....

....." " 2.....

....." " 3.....

....." " 4.....

....." " 5.....

....." " 6.....

Rule 2. Duties of Foreman.

The Foreman or Person in Charge shall direct, enforce and have full charge of the "Fire Drill" in every factory on each floor. Each day before work is begun he shall see that extinguishers, fire hose, fire buckets, etc., are in readiness for use, exit doors are unlocked, aisles are free from obstruction, that stairways, halls, etc., are properly lighted, and shall remedy any dangerous condition found to exit. Immediately after work is commenced he shall check up the Fire Drill Organization list and note if the regularly assigned persons are present; if any are found to be absent, he shall assign other employees (if practicable) to perform their duties.

He shall immediately notify new employees of the existence of the Fire Drill Organization and give them the necessary instructions as to the duties they are to perform, etc.

He shall be familiar with the operation and location of the interior alarm signal box on his floor.

He shall listen for the test signal each morning at the appointed hour and in the event of the test signal not being heard he shall communicate with the superintendent or other person in charge of the building and advise him of the fact. The (Floor Captains) Foreman's orders are final as to the carrying out of the fire drill on his particular floor.

Rule 3. Duties of Watchmen.

The WATCHMEN shall see that all doors and windows are closed so as to prevent the spread of fire. The WATCHMEN shall be the only persons permitted to remain on the floor during the progress of a fire drill and do so at their own risk. For ordinary purposes only one watchman and a substitute shall be designated. In special cases, however, extra watchmen may be assigned by consent in writing from Fire Commissioner.

Rule 4. Duties of Searchers.

The MALE AND FEMALE SEARCHERS shall search all toilets, dressing rooms and emergency rooms used and frequented by their sex and all other portions of the floor and order all persons, except those authorized to remain, to leave the premises. They are to take care of and assist all persons who may faint or be disabled.

SEARCHERS shall leave the floor immediately after the last squad leaves.

Rule 5. Duties of Street Alarm Box Runner.

The STREET-ALARM-BOX-RUNNER shall be familiar with the location of the nearest city fire alarm box and know how it is operated.

In ordinary practice fire drills the STREET-ALARM-BOX-RUNNER shall report to the Foreman for orders, and if his services are not required he shall promptly file out of the premises with the other occupants.

Only when a fire actually occurs on his floor, or when ordered to do so by the Foreman, shall the STREET-ALARM-BOX-RUNNER proceed to the street alarm box and send in the fire alarm.

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Rule 6. Duties of Fire Brigade.

The fire brigade shall have full charge of the operation of all auxiliary fire fighting apparatus and shall endeavor to extinguish, or at least hold in check until the arrival of the fire department, any fire that may occur. When it is necessary for the fire brigade to respond to different floors in the building they shall not use the stairways or fire escapes while the occupants are escaping from the premises.

Rule 7. Duties of Exit Guards.

The EXIT GUARDS shall station themselves at all exit doors leading to fire escapes, stairways and other means of escape immediately upon the sounding of the alarm. There shall be two guards for each exit, if practicable; one to stand in the hallway holding back the door and the other directly inside on the floor. They are to keep the exit doors open and direct the movements of the persons using these exits and prevent congestion.

EXIT GUARDS shall remain at their stations until all of the occupants of the building have passed their station. Then close their doors and pass out of the building. Upon signal for the occupants to return, EXIT GUARDS shall take their designated stations and remain there until all persons have returned to their respective floors.

Rule 8. Duties of Squad Monitors.

The SQUAD MONITORS, as soon as the alarm is sounded, shall see that the employees under their charge quickly form into line, two abreast, and numbering not more than thirty to each squad. They shall see that all aisles and passageways are cleared of obstructions.

Note: Chairs, stools, baskets, etc., should be pushed under or placed on top of work benches.

MONITORS shall proceed at the head of their respective squads to the exit assigned, and then march up or down the stairs or to other exits as directed by the EXIT GUARDS.

On reaching the sidewalk MONITORS shall keep their squads in order and lead them a reasonable distance from the building, so as not to cause congestion and interference with fire apparatus. When the proper signal is given they shall return to their respective floors at head of their squads.

MONITORS will at all times see that those under their charge conduct themselves in a respectable and orderly manner.

Rule 9. Holding of Drills.

FIRE DRILLS shall be held at least once each month at varied hours of the day, and all of the occupants shall participate therein simultaneously. Such drills shall conduct all occupants to a place of safety.

Where dual operation interior fire alarm systems are installed as permitted under Rule 11 of the interior fire alarm rules of the Board of Standards and Appeals, the fire drill conducted each month shall include all of the persons on the premises engaged at work for a factory,

and drills shall be conducted at least twice each year in which all of the persons on the premises shall participate simultaneously.

Rule 10. Duties of Owner.

It shall be the duty of the OWNER, LESSEE OR TENANT OF THE BUILDING or his authorized agent or their representatives to personally observe that the "Fire Drill" is held simultaneously on every floor of the building and the participation therein of every occupant of such building. Any FIRE DRILL in which all of the occupants do not participate shall not be considered as complying with the LAW, except as otherwise provided in these rules.

The person or persons representing the OWNER, LESSEE OR TENANT, who supervises the FIRE DRILL at the building shall submit to an examination by the Division of Fire Prevention as to their experience and general fitness for such duties, and shall be so certified in writing by the FIRE COMMISSIONER.

Rule 11. Duties of Engineer.

It shall be the duty of the ENGINEER, SUPERINTENDENT or other PERSON IN CHARGE of a building having an interior fire alarm system to test such system daily immediately after the beginning of business, and to see that all apparatus operated by springs requiring winding are rewound after each alarm and kept in normal condition for operation.

Whenever it is necessary to test the fire alarm system at any other time of the day, owing to repairs, etc., being made, the PERSON IN CHARGE OF BUILDING will first notify all Foremen of the several floors of the intended test and likewise notify them when the repairs, etc., are completed. This precaution is taken to prevent confusion and excitement, also misunderstanding of the alarm signals.

It shall also be the duty of the PERSON IN CHARGE OF BUILDING to sound the interior alarm system at irregular intervals, but not less than once each calendar month, for the purpose of holding practice fire drills. He shall keep on the premises a record of such drills showing the date when held and the required time for all occupants to reach the street or a point of safety outside the building.

The PERSON IN CHARGE OF BUILDING must immediately acquaint new tenants of the existence of the "Fire Drill" Organization and its purport.

Rule 12. Registration.

The name and address of every person, corporation or co-partnership, that will, under professional service, carry on the trade, business or calling of establishing, maintaining or supervising the "Fire Drill" shall be registered in the Fire Department, which Department shall, upon evidence of fitness, grant a certificate to that effect.

NOTICE

Copies of the Official Directory of the City of New York for the year 1943 (The Little Green Book), containing the latest authentic information in relation to City, State and Federal Departments, Bureaus, Offices and

Courts, are now on sale at the office of the Supervisor of the City Record, Room 2213, Municipal Building, Manhattan. Price 50 cents; by mail, five cents per copy must be added for postage.

NEW LOCAL LAW

No. 29

A LOCAL LAW

TO AMEND THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, IN RELATION TO PLACES OF ASSEMBLY, GENERALLY.

Be it enacted by the Council as follows:

Section 1. Section C26-116.0 of the administrative code of the city of New York is hereby repealed and re-enacted to read as follows:

§ C26-116.0 **Place of assembly.**—The term “place of assembly” shall mean a room or space which is occupied by seventy-five or more persons and which is used for educational, recreational or amusement purposes and shall include assembly halls in school structures; dance halls; cabarets; night clubs; restaurants; any room or space used for public or private banquets, feasts, socials, card parties or weddings; lodge and meeting halls or rooms; skating rinks; gymnasiums; swimming pools; billiard, bowling, and table tennis rooms; halls or rooms used for public or private catering purposes; funeral parlors; markets; recreation rooms; concert halls; broadcast studios; school and college auditoriums; and all other places of similar type of occupancy. Nothing in this section shall be construed to apply to instruction rooms, libraries, lecture rooms, recreation rooms, lunchrooms or classrooms in elementary or high schools, as defined in section C26-132.0 of this code, or in colleges which are licensed to operate by the state board of regents, when such rooms are used solely and exclusively by the students of such schools or colleges.

The term “licensed place of public assembly” as used in this article shall mean any room or space which is used or occupied as a “place of assembly” as defined in this section, when the lawful use, occupancy or operation of such place is contingent upon the issuance of a license by the fire department, the police department or the department of licenses.

Whenever the words “place of assembly” are used in this chapter, such words shall be construed as if followed by the words “or any room or space which is occupied for or is intended, arranged, or designed to be occupied for such use.”

Nothing in this section shall be construed to apply to any room or space used exclusively for dwelling purposes in a private dwelling as defined in section C26-122.0 of this code or used exclusively for dwelling purposes as defined in subdivision one of section four of the multiple dwelling law, nor shall this section be applicable to places of incarceration, an asylum, a convent, a monastery, a church, a synagogue, or a theatre, motion picture theatre, opera house or concert hall subject to and complying with the provisions of article thirteen of this code and which are required to obtain a license as a “licensed place of public assembly.”

§ 2. Such code is hereby amended by adding thereto a new section, to follow section C19-165.1, to be section C19-165.2, to read as follows:

§ C19-165.2 **Smoking prohibited in retail stores.**—It shall be unlawful for any person to smoke or carry a lighted cigar, cigarette, pipe or match or use any spark, flame or fire-producing device which has not been authorized for use by the commissioner in any existing or newly created retail store which is designed and arranged to accommodate more than three hundred persons, or in which more than twenty-five persons are employed. Designated smoking and rest rooms, restaurants, executive offices and beauty parlors in such retail stores shall be exempted from this prohibition. Any person who shall violate, or refuse, or neglect to comply with any provision of this section shall, upon conviction thereof, be punished by a fine of not less than ten dollars and not more than one hundred dollars, or by imprisonment not exceeding thirty days, or by both.

§ 3. Title C of chapter twenty-six of such code is hereby amended by adding thereto a new article, to follow article seventeen, to be article eighteen, to read as follows:

ARTICLE 18

Places of assembly

SUB-ARTICLE 1

General provisions governing places of assembly

§ C26-1437.0 **Application.**—Except as otherwise provided in the administrative code of the city of New York, the provisions of this article shall apply to any new room, space or portion of a premises, or to any room, space or portion of a premises existing as or hereafter altered or converted to use or occupancy as a “place of assembly.”

§ C26-1438.0 **Egress.**—a. The means of egress in such places of assembly shall be in conformity with the provisions of this chapter relating to buildings of like classification, area, height, use and occupancy, except, however, that in all cabarets as defined in paragraph three of subdivision a of section 436-1.0 of this code the greatest distance of travel from any portion of such cabaret to a required means of egress shall not exceed seventy-five feet.

b. In all places of assembly there shall be aisles providing proper access to all required means of egress. Such required aisles shall not be obstructed in any manner whatsoever and shall be not less than three feet in width.

c. No required means of egress in a place of assembly hereafter created shall be permitted through any room or space used as a kitchen or service pantry or for the preparation of food. In an existing “place of assembly” an existing means of egress through a room or space used as a kitchen or service pantry or for the preparation of food may be accepted by the department under such conditions as may be prescribed and approved by the department.

d. The provisions of subdivision a of this section limiting to seventy-five feet the greatest distance of travel from any portion of any room or premises used as a cabaret to a required means of egress shall not apply to existing legal cabarets as defined in paragraph three of subdivision a of section 436-1.0 of this code, provided, however, that the means of egress from such cabaret is in conformity with the provisions of this chapter relating to buildings of like classification, area, height, use and occupancy.

e. The owner of each place of assembly shall submit to the department a diagram indicating the arrangement of tables, chairs, seats, dancing space, platforms, aisles and means of egress. Diagrams which have been approved by the department shall be kept on the premises for which the approval has been granted and shall be readily available for inspection. Such diagrams shall be filed with the department within sixty days after the date when this article becomes effective.

No place of assembly shall be occupied until a diagram indicating the basic arrangement of aisles has been approved by the department, and the use of any arrangement not approved by the department is prohibited.

f. The provisions of paragraph e of this section relating to the submission and approval of diagrams shall not apply to assembly rooms or auditoriums in elementary or high schools as defined in section C26-132.0 of this code or in colleges which are licensed to operate by the state board of regents; provided, however, that seats in such assembly rooms or auditoriums are stationary.

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§ C26-1439.0 **Number of persons, limited.**—The number of persons permitted to occupy a place of assembly shall be as approved by the department of housing and buildings and shall be in conformity with the provisions of this chapter relating to buildings of like classification, area, height, use and occupancy.

§ C26-1440.0 **Capacity of premises to be posted conspicuously.**—a. In every room or in any portion of a premises or building which is used as a place of assembly there shall be conspicuously posted signs indicating the number of persons who may legally occupy said room or space. Such signs shall read as follows:

OCCUPANCY
BY MORE THAN
..... PERSONS IS
DANGEROUS
& UNLAWFUL

..... Commissioner,

Department of Housing and Buildings, City of New York.

b. Such signs shall be twenty inches in width by twenty-four inches in length. The lettering thereon indicating the lawful occupancy shall be of bold gothic type in red on a background of white, shall be not less than two inches in height and the numerals shall be two and three-eighths inches in height, and such lettering and numerals shall be properly spaced to provide good visibility.

c. Such signs shall be illuminated, shall be durable, and shall be substantially secured to wall or partition.

d. Such sign shall be located at the main entrance to such space or room so as to be conspicuously visible to a person entering such space or room.

§ C26-1441.0 **Lighting systems.**—During all periods when a place of assembly is occupied such place shall be illuminated by sufficient natural or artificial light to permit a person to read in every portion thereof nine-point print of the kind generally used in the average daily newspaper. Dance halls when in use, shall be so illuminated that every person present may be plainly seen from any point in the hall. When required, artificial light shall be provided through electrical circuits and shall be maintained in continuous operation.

§ C26-1442.0 **Exit signs.**—a. In every such place of assembly the required means of egress shall be indicated by signs reading "EXIT". Letters on such signs shall be eight inches in height and such letters shall be properly spaced so as to be easily read at a distance of seventy-five feet.

b. Each such exit sign shall be illuminated by a red light of not less than twenty-five watts or equivalent photometric rating.

c. In any such place of assembly where doors, openings or passageways providing access to required means of egress are not visible from all portions of such room or premises, illuminated directional signs shall be installed in conspicuous locations in such room or premises, indicating the direction of travel to the required means of egress.

d. Such directional signs shall be of the same dimensions as specified in this section for exit signs.

e. It shall be unlawful to obscure in any manner any required means of egress, passageway, exit sign, exit light or directional exit sign.

§ C26-1443.0 **Independent circuit for illuminated exit lights and directional signs in "licensed places of public assembly."**—Notwithstanding any other provision contained in this chapter, the illumination of all exit lights and directional signs required under the provisions of this article in all "licensed places of public assembly" which have been approved by the department charged with the enforcement

of this chapter for occupancy by more than two hundred and fifty persons shall be provided through circuits, separated from the general lighting and power circuits. Such installations shall be in conformity with the provisions of title B of chapter thirty of this code.

§ C26-1444.0 **Safety.**—a. The superintendent, in his discretion, may require that any opening from a space used as a kitchen or service pantry or for the preparation of food in a place of assembly be protected with a self-closing door or other device when in his opinion such protection is necessary for the safety of the occupants and to prevent the spread of fire. Any door installed for such purpose may be provided with a vision panel of clear wire glass or of plate glass not less than one-quarter of an inch in thickness.

b. In all places of assembly in which food is cooked or prepared for service in such place, the hoods over ranges and the flues for such ranges shall be thoroughly cleaned at least twice each year. A record indicating the person or firm which completed such cleaning process and the date when such flues were cleaned shall be kept on the premises and shall be available for examination.

§ C26-1445.0 **Dressing rooms.**—a. In places of assembly in which dressing rooms are provided for performers, such dressing rooms shall be equipped with sprinklers as prescribed by the superintendent. Water supply for such sprinklers may be taken from the domestic water service of the building.

The provisions of this subdivision shall not apply to guest rooms in hotels when such guest rooms used for the accommodation of performers are separate and remote from that part of the premises used as a place of assembly.

b. All dressing rooms used by performers shall be provided with adequate means of egress as prescribed by the superintendent.

§ 26-1446.0 **Revolving doors prohibited.**—a. No class B revolving door shall be permitted in any place of assembly.

b. It shall be unlawful to install a revolving door or continue the use of an existing revolving door in any exit opening from a place of assembly, except that:

1. A supplemental revolving door may be installed or maintained immediately adjacent to a required exit.

2. Where the occupancy is less than one hundred and fifty persons one of the required exits may be through a revolving door provided there is immediately adjacent thereto an outwardly swinging door of at least twenty-eight inches in width and provided further that there is another required exit from such place of assembly.

c. The provisions of this section shall not apply to street exit doors in class 1, class 2 or class 3 structures where there intervenes, between the place of assembly and said exit doors, areas of safety into which exits of the place of assembly discharge. Said areas shall be public stairhalls, exit corridors or similar protected areas adequate, under the provisions of article seven of this code, for the accommodation of all the occupants of the building including those of such place of assembly.

d. All type A revolving doors shall be cleaned, lubricated, and maintained in proper working order. Tests shall be made each month so that in the event of an emergency such doors may fold back in conformity with the provisions of section C26-287.0 of this code.

A record, indicating the name of the person or firm which made such tests and the date on which such tests were conducted, shall be kept on the premises and shall be available for inspection.

During the period of World War No. 2 and one year thereafter, nothing contained in this section shall be construed to preclude the use of revolving doors in places of assembly other than cabarets or dance halls if such revolving doors legally existed therein on January first, nineteen hundred forty-three, provided, however, that adjacent to such revolving doors there are required means of egress equipped

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with outwardly swinging doors and further provided that in the opinion of the superintendent no undue hazard will result therefrom.

§ C26-1447.0 **Approval required, permits, fees.**—a. It shall be unlawful to use or occupy any building or portion of a building or premises as a place of assembly unless an application for such use or occupancy has been filed with and approved by the department.

b. Application forms and permits required under this section shall be provided by the department.

c. The permit issued by the department for such place of assembly shall be kept readily accessible in all such places of assembly.

d. An annual fee of five dollars shall be paid to the department upon the issuance of the required permit for a place of assembly.

e. The provisions of this section relating to the payment of a fee shall not apply to any place of assembly occupied exclusively by a religious, charitable or educational organization no part of the net earnings of which inures to the benefit of any private shareholder or individual, or to any place of assembly for which a fee is collected by any other department of the city, for similar use and occupancy.

f. The issuance of a permit by the department under this article shall be contingent on the approval of the fire commissioner and of the department of water supply, gas and electricity, and, if a license is required under the provisions of section 436-1.0 of this code, the applicant shall also obtain the approval of the police commissioner.

g. A permit issued under the provisions of this article shall not affect application of the provisions of paragraph b of subdivision one of section 487a-1.0 of this code.

§ C26-1448.0 **Date effective.**—a. The provisions of section C26-1437.0 of this article shall become effective immediately.

b. Except as otherwise specifically provided in this article, such changes as may be required under the provisions of sections C26-1438.0, C26-1439.0, C26-1440.0, C26-1441.0, C26-1442.0, C26-1444.0, C26-1446.0 and C26-1447.0 of this article shall be completed within sixty days from the date on which this article becomes effective.

c. Such changes as may be required under the provisions of sections C26-1443.0 and C26-1445.0 of this article shall be completed within six months from the effective date of this article.

§ C26-1449.0 **Violations, penalties.**—In addition to any other penalty prescribed by this code, any person who shall violate any provision of this article, upon conviction thereof, shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment not exceeding ten days, or by both. Upon a second conviction of such violation the commissioner shall have discretionary power to revoke or suspend any permit issued by the department under the provisions of this article.

If any place of assembly is used or occupied in violation of any provision of this article, whether or not there has been a conviction of any person for such violation, the commissioner may serve notice upon the person charged with having violated such provision, requiring such person to comply with the provisions of this article within ten days after the service of such notice, and if such person fails to comply within said period, the commissioner may serve notice upon such person that a hearing will be held by the said commissioner at a time and place to be fixed in said notice to determine whether or not such violation existed or still exists, and if, after such hearing, at which the person charged with such violation shall be given an opportunity to be heard and present proof, the commissioner determines that such violation continues to exist, he may suspend any permit issued by the department of housing and buildings under the provisions of this article for a period of time not

exceeding three months, and during such suspension it shall be unlawful to use or occupy such portion of the premises as a place of assembly.

§ 4. Section C19-161.1 of such code as added by local law one hundred and twelve of nineteen hundred thirty-nine is hereby amended to read as follows:

§ C19-161.1 **Flame-proofing of decorations, drapes, curtains and scenery.**—It shall be unlawful for any person to use any decoration, drape, curtain and scenery used for artistic enhancement, which is made of combustible material, unless painted or saturated with a non-combustible material or liquid or otherwise rendered safe against fire in accordance with the requirements of the commissioner, in any building of a public character, including a hotel, theatre, restaurant, public hall, department store, and a building used or intended to be used for purposes of public assembly, or licensed places of public assembly, amusement or instruction, and a building where large numbers of persons congregate. The liquids, materials or compounds, as required under the provisions of this section, and their method of application, shall be approved by the board of standards and appeals. Tests for each specific application of originally treated combustible material, or any retests thereof, and the testing of all flame-proofed products, permitted, pursuant to the provisions of this section, shall be as prescribed by, and in accordance with the requirements of the commissioner. Nothing in this section shall permit the use of any wall or ceiling covering or decoration, having an acetate cellulose or nitrate cellulose content, or incapable of being adequately flame-proofed. Nothing in this section shall be construed to apply to merchandise for sale or displayed for sale, or displayed at a business show; to guest rooms in hotels; to offices; to works of art in museums; nor to churches or to places of religious worship.

Nothing in this section shall prohibit the use of cut flowers, fresh cut decorative greens, or natural trees, plants, shrubs or grass, for artistic enhancement or decorative purposes, provided such trees, plants, shrubs or grass, are in soil and are maintained in a healthy condition. Nothing in this paragraph shall permit the use of hemlock, balsam, spanish moss, or other decorative greens, which contain pitch. It shall be unlawful to hang or otherwise maintain fresh cut decorative greens in a place of assembly or licensed places of public assembly upon a combustible framework or base, or by means of a combustible material, or to permit any fresh cut decorative greens to be hung, or maintained, for a period in excess of twenty-four hours.

§ 5. Paragraph three of subdivision a of section 436-1.0 of such code is hereby amended to read as follows:

3. The word "cabaret" shall mean any room, place or space in the city in which any musical entertainment, singing, dancing or other similar amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink. It shall also include any room or space which is used in the catering business and in which any musical entertainment, singing, dancing or other entertainment is permitted.

§ 6. Paragraph one of subdivision d of section 436-1.0 of such code as last amended by local law twenty-five of nineteen hundred thirty-eight is hereby amended to read as follows:

1. The license herein prescribed shall be issued by the commissioner. Application for such license shall be made on a form containing such information as may be determined by the commissioner, and shall be sworn to by the applicant. The fee for each such license shall be one hundred fifty dollars for each year or fraction thereof, provided, however, that a summer seasonal license may be issued for the period commencing on the thirtieth day of May and ending on the thirtieth day of September for which the fee shall be seventy-five dollars.

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If additional rooms are to be used independently by the same applicant in the same premises as a dance hall or cabaret, the applicant shall indicate on the application the location of each and every room or space which is to be used for such purpose. In such case a separate license shall be required for each such additional independent room or space, and the fee for each independent additional room or space shall be five dollars.

§ 7. Paragraph two of subdivision d of section 436-1.0 of such code is hereby amended as follows:

2. A steamship or boat moored or tied to a dock, pier or shore, and which contains a dance hall or cabaret in use while so moored or tied, shall be required to obtain such license.

§ 8. Paragraph five of subdivision d of section 436-1.0 of such code is hereby amended to read as follows:

5. A license hereunder shall issue only if the place for which it is issued complies with all laws and with the rules and regulations of the department of housing and buildings, the police department, the fire department, the department of health and the department of water supply, gas and electricity, and, in the opinion of the police commissioner, is a safe and proper place to be used as a public dance hall or a cabaret.

§ 9. Subdivision f of section 436-1.0 of such code is hereby amended to read as follows:

f. Suspension and revocation of license. A license may be suspended or revoked by the commissioner for any violation of law or upon the ground that disorderly, obscene or immoral conduct is permitted on the licensed premises. In addition to other penalties provided by law, if any cabaret or dance hall is used or occupied in violation of any provision of section C26-1439.0 or section C26-1440.0 of this code, the commissioner may suspend or revoke the license of any cabaret or dance hall for a period of time not exceeding three months, and during such period of suspension or revocation it shall be unlawful to use or occupy any portion of such premises as a dance hall or cabaret. The commissioner shall cause to be served upon such parties as he may deem to be interested therein such reasonable notice of his intention to revoke such license as he may determine to be proper. There shall be included in or attached to such notice a statement of the facts constituting the violation charged. Licensees shall be entitled to a hearing before the commissioner. If the license of any place be twice revoked within a period of one year, a new license shall be denied to such place for a period of at least one year from the date of the second revocation.

§ 10. Subdivision g of section 436-1.0 of such code is hereby amended to read as follows:

g. Inspection before and after issuing license. A license shall be issued only after the commissioner shall have caused an inspection to be made of the premises to be licensed and not until the commissioner is satisfied that such place complies with all laws and the rules and regulations of the department of housing and buildings, the fire department, the police department, the health department and the department of water supply, gas and electricity in so far as the same are applicable thereto. The commissioner shall also cause to be made such inspections as may be necessary to ascertain whether the places licensed are maintained in compliance

with law. For the purpose of facilitating the inspections prescribed by this section, the commissioner is authorized to call upon the head of any city agency and such agency and its employees shall make such inspections as may be required.

§ 11. Subdivision h of section 436-1.0 of such code is hereby amended to read as follows:

h. Permit for a public dance or ball. Premises licensed hereunder shall be leased or hired out, and used, for the purpose of holding a public dance or ball only after the person intending to hold such public dance or ball shall apply for and receive from the commissioner a permit to hold same. Such permit shall be issued only upon condition that the dance or ball shall be held in accordance with the rules and regulations adopted by the commissioner. The commissioner is authorized to adopt reasonable rules and regulations for the holding of such public dances and balls for the purpose of preventing thereat any fraudulent solicitation of monies or any disorderly or immoral behavior or conduct calculated to disturb the public peace or safety. Application for such permit shall be made to the commissioner upon such forms as he may prescribe. A fee of ten dollars shall be paid for each such permit. Such permit may at any time be revoked by the commissioner in case it appears probable that the public dance or ball for which permit has been issued will not be conducted in accordance with such rules and regulations. A permit pursuant to this section, in the discretion of the commissioner, may provide that such public dance or ball may be continued between four ante meridian and eight ante meridian; and in such case the license issued for the premises in which such public dance or ball is to be conducted shall not be deemed violated by reason of the fact that such premises are open to the public between such hours.

§ 12. Subdivision i of section 436-1.0 of such code is hereby amended by adding thereto a new paragraph, to follow paragraph three, to be paragraph four, to read as follows:

4. A licensee permitting his or its premises to be used for a public dance or ball for a single occasion without first ascertaining that the person holding such public dance or ball has a permit from the police commissioner to conduct such public dance or ball shall be guilty of an offense and shall be punished by a fine of not more than fifty dollars or imprisonment not to exceed thirty days, or both.

§ 13. **Saving clause.**—If any clause, sentence, paragraph, section or part of this law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 14. This local law shall take effect immediately.

THE CITY OF NEW YORK,
OFFICE OF THE CITY CLERK, ss:

I hereby certify that the foregoing is a true copy of a local law passed by the Council of The City of New York, concurred in by the Board of Estimate and approved by the Mayor on July 24, 1943, on file in this office.

H. WARREN HUBBARD,
City Clerk, Clerk of the Council.

NOTICE

Copies of the Official Directory of the City of New York for the year 1943 (The Little Green Book), containing the latest authentic information in relation to City, State and Federal Departments, Bureaus, Offices and

Courts, are now on sale at the office of the Supervisor of the City Record, Room 2213, Municipal Building, Manhattan. Price 50 cents; by mail, five cents per copy must be added for postage.

BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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No. 36

DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1000 to 1018.

TELEPHONE—WOrth 2-5600.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.

Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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Rules for Tests of Fire-resistive, Flameproof Materials, such as Textiles, Paper, Similar Material and Adhesives used for Decorative Purposes and Treated Acoustical Draperies, Carpets and Similar Materials, for use in places of Public Assembly and Special Occupancy Structures.

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

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405-43-A—F.D.—40-30 162nd street, west side, 78 ft. north of Lucerne place (Block 991, Lot 4), Flushing, Borough of Queens, 93842-L.C. and Decisions re Applic. 3046-42.

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407-43-S—H.B.Q.—223-01 Northern boulevard and 43-29 223rd street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens, Alt. 1028-43.

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410-43-A—H.B.B.—3116-3140 Atlantic avenue, southeast corner of Berriman street and 815-837 Liberty avenue (Block 3974, Lot 1), Borough of Brooklyn, B.N. 1072-43.

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412-43-A—H.B.Q.—52-01 Flushing avenue, north side, 310 ft. 6¾ in. east of Metropolitan avenue (Block 2626, Lot 22, Block 2628, Lots 28 and 50), Maspeth, Borough of Queens (Under section 35, General City Law re bed of mapped street—52nd street), N. B. 162-43.

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Certificates of Occupancy, approved form	Nov. 25, 1941—Vol. 26, No. 47
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Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr. 10, 1923—Vol. 8, No. 15

Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

SEPTEMBER 14, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 14, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a

residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

82-43-BZ—Application of James A. Boyle, applicant, on behalf of Louis L. Ahlers and Mary Fromer, owners (Celtic Circle, Inc., Sheepshead Bay Unit No. 1, lessee), reopened and restored to calendar, July 20, 1943, under section 7c of the zoning resolution, to permit partly in a residence use and partly in a business use district, the erection of a grandstand for an athletic field, the use of which is primarily for business purposes (previously dismissed for lack of prosecution); premises 1232-1254 Avenue Z and 2602-2644 East 13th street, southwest corner and 2601-2649 Homecrest avenue (Block 7457, Lots 1 and 15), Borough of Brooklyn.

663-42-BZ—Application, September 8, 1942, under sections 7e and 21 of the zoning resolution, of Jacob Beller, applicant, on behalf of Henrietta Coopersmith, owner (Annie Oakley, lessee), to permit in a residence use district, for a term of two years, the conversion of occupancy of an existing frame structure, to a stable for more than five horses and also, as a riding academy; premises 90-17 71st avenue and 70-67 to 70-79 Walnut street, northwest corner (Block 3899, Lot 1), Forest Hills, Borough of Queens.

282-35-BZ—Application of Paul Friedman, applicant, on behalf of Bay Parkway Holding Corporation, owner (Empire Chevrolet, Inc., lessee), reopened July 20, 1943, under section 7f of the zoning resolution, to permit in a business use district, for a term of five years, the conversion of occupancy of the use of the premises as office, five car garage and auto laundry to office, lubritorium, auto laundry and gasoline service station; premises 1159-1167 Utica avenue and 5002-5010 Clarendon road, southeast corner (Block 4771, Lot 1), Borough of Brooklyn.

Appeals from Administrative Decisions.

332-43-A—77-52 74th street, west side, 89 ft. north of 78th avenue (Block 3811, Lot 29), Glendale, Borough of Queens.

346-43-A—87-86 188th street, west side, 100 ft. north of Hillside avenue (Block 9960 (1007), Lot 56 (1)), Hollis, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

SEPTEMBER 14, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, September 14, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions

746-42-A—241 West 72nd street, north side, 280 ft. 5½ in. west of Broadway (Block 1164, Lot 15), Borough of Manhattan.

267-43-A—Re packaging of combustible mixture, known as "Neptune Waterproof Belt Cement," in one-quart and one-pint glass bottles (capacity of glass bottles not in conformity with Administrative Code Specifications).

910-39-A—107-111 Myrtle avenue, north side, 21 ft. west of Bridge street (Block 143, Lot 30), Borough of Brooklyn (reopened July 13, 1943).

CALENDAR

710-42-S—57-02 48th street (Block 24552, Lot 24), Maspeth, Borough of Queens.

52-43-A—645-669 73rd street, north side, 203 ft. 8 in. west of Seventh avenue and 656-674 72nd street (Block 5911, Lot 31), Borough of Brooklyn.

313-43-A—28 South 9th street, south side, 98 ft. east of Kent avenue (Block 2144, Lot 10), Borough of Brooklyn.

252-42-A—296-302 7th street, south side, 214 ft. 4 in. west of Fifth avenue (Block 998, Lots 26, 28 and 29), Borough of Brooklyn, (reopened and restored to calendar, November 10, 1942; previously withdrawn).

364-43-A—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

615-42-A—1680 Broadway, east side, 104 ft. south of West 53rd street (Block 1024, Lot 38), Borough of Manhattan.

369-43-A—1764-1768 and 1770 Circumferential parkway, northwest corner of Bay 37th street (Block 6942, Lots 17 and 92), Borough of Brooklyn.

635-41-A—398-408 Riverdale avenue, southwest corner of Junius street (Block 3831, Lot 25), Borough of Brooklyn (reopened May 4, 1943; previously withdrawn).

99-43-A—770-774 Eastern parkway, south side, 90 ft. west of Kingston avenue (Block 1271, Lot 31), Borough of Brooklyn.

331-43-A—30-89 32nd street, east side, 125 ft. north of 31st avenue (Block 616, Lot 2), Long Island City, Borough of Queens.

372-43-S—442-448 Fourth avenue, northwest corner of East 30th street (Block 860, Lot 37), Borough of Manhattan.

375-43-A—442-448 Fourth avenue, northwest corner of East 30th street (Block 860, Lot 37), Borough of Manhattan.

47-43-A—3064 Brighton 4th street, west side, 124 ft. north of Brighton Beach avenue (Block 7284, Lot 1260), Borough of Brooklyn.

709-42-A—199 Broadway, north side, 25 ft. 5¼ in. west of Washington Plaza (Block 2444, Lot 92), Borough of Brooklyn.

382-43-A—150 Ocean parkway, west side, 395 ft. south of Caton avenue (Block 5328, Lot 30), Borough of Brooklyn.

255-43-A—28-53 216th street, north side, 477.32 ft. east of 28th avenue (Block 6019, Lot 1), Bayside, Borough of Queens (under section 35, General City Law—re bed of mapped street—29th avenue).

385-43-A—150-01 Union Turnpike, northeast corner of 150th street (Block 6712, Lots 16 and 17), Flushing, Borough of Queens (under section 35, General City Law re bed of mapped street—150th street).

HARRIS H. MURDOCK, *Chairman.*

SEPTEMBER 17, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Friday morning, September 17, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Appeal from Administrative Decision.

412-43-A—52-01 Flushing avenue, north side, 310 ft. 6¾ in. east of Metropolitan avenue (Block 2626, Lot 22 and Block 2628, Lots 28 and 50), Maspeth, Borough of Queens (Under section 35, General City Law re bed of mapped street—52nd street).

HARRIS H. MURDOCK, *Chairman.*

SEPTEMBER 21, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning, September 21, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Zoning Applications.

258-35-BZ—Application of Henry C. Brucker, applicant, on behalf of Octagon Laundry, Inc., owner, reopened July 27, 1943, re amendment to resolution—re Application, previously granted on condition, under section 7b of the zoning resolution, permitting the extension from a business use district into a residence use district, of an existing wet wash laundry and the erection, partly in a business use district and partly in a residence use district, of a proposed garage for more than five motor vehicles as an accessory to the laundry; premises 2120-2124 Menahan street (rear), south side, 185.96 ft. east of Grandview avenue (Block 3373, Lot 18), Ridgewood, Borough of Queens.

637-39-BZ—Application of J. G. L. Molloy, applicant, on behalf of Shell Oil Co., Inc., owner, reopened July 13, 1943, under sections 7f and 7c of the zoning resolution, to permit in a retail use district, for a term of years, the parking of more than five motor vehicles, upon part of an existing gasoline service station; which gasoline service station was previously extended by the Board; premises 63-56 Austin street and 91-39 63rd drive, southwest corner (Block 3103, Lot 43), Rego Park, Borough of Queens.

404-43-BZ—Application, August 16, 1943, under sections 7c and 21 of the zoning resolution of Charles A. Dunker, applicant on behalf of Taverna Coal Co., owner, to permit in a residence use district, the erection and maintenance of a building to be used as an office and garage for four (4) motor vehicles to be used in conjunction with the existing coal yard on the site; premises 51-67 Manee avenue, east side, 531.78 ft. south of Amboy road and 52-56 Bayview avenue (Block 6751, Lot 284), Princes Bay, Borough of Richmond.

406-43-BZ—Application, August 17, 1943, under section 7c of the zoning resolution, of Alfred H. Eccles, applicant on behalf of American Ice Co., owner, to permit partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building used as an ice manufacturing plant, to a factory for the fabrication of plastics and also, the alteration and the erection of an additional intermediary story within the present envelope of the building; premises 223-01 Northern boulevard and 43-29 223rd street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens.

Appeal from Administrative Decision.

407-43-S—223-01 Northern boulevard and 43-29 223rd street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

SEPTEMBER 21, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon, September 21, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions.

191-43-A—15 West 77th street and Central Park West at 79th street (Block 1130, Lot 1), Borough of Manhattan.

12-43-A—679 Broadway, west side, 25 ft. south of West 3rd street (Block 532, Lot 10), Borough of Manhattan.

658-42-A—45 Roebling street, southeast corner of North 9th street (Block 2314, Lot 5), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 19, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, October 19, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Zoning Application.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

NOTICE

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the Board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication of this BULLETIN of the calendars of the Board, each case being set down by Calendar Number and the premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the

offices of the Board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the Board is to dispose of all cases promptly; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

FORMS FOR NOTICE TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such

copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

THE BUILDING LAWS

Now on Sale

THE VARIOUS BUILDING LAWS OF THE CITY OF NEW YORK ARE NOW published in FOUR SEPARATE VOLUMES, consisting of matters affecting or relating to the construction, maintenance, alteration, demolition or removal of structures and buildings in the City of New York; including excerpts from the STATE LABOR LAW, the PLUMBING CODE, ELEVATOR RULES, THE NEW YORK CITY CHARTER, the complete BUILDING CODE OF THE CITY OF NEW YORK; the MULTIPLE DWELLING LAW, the STATE PLASTERING LAW, various local laws, and building and construction rules and regulations adopted by various City and State agencies.

These volumes are now ON SALE at the office of the Supervisor of the City Record, ROOM 2213, MUNICIPAL BUILDING, MANHATTAN, NEW YORK CITY. The price for the complete set of four volumes is \$4 (\$4.10 by mail), single volumes each containing certain parts of the above described legislation, \$1 (by mail \$1.10).

NEW LOCAL LAW

No. 29

A LOCAL LAW

TO AMEND THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, IN RELATION TO PLACES OF ASSEMBLY, GENERALLY.

Be it enacted by the Council as follows:

Section 1. Section C26-116.0 of the administrative code of the city of New York is hereby repealed and re-enacted to read as follows:

§ C26-116.0 **Place of assembly.**—The term “place of assembly” shall mean a room or space which is occupied by seventy-five or more persons and which is used for educational, recreational or amusement purposes and shall include assembly halls in school structures; dance halls; cabarets; night clubs; restaurants; any room or space used for public or private banquets, feasts, socials, card parties or weddings; lodge and meeting halls or rooms; skating rinks; gymnasiums; swimming pools; billiard, bowling, and table tennis rooms; halls or rooms used for public or private catering purposes; funeral parlors; markets; recreation rooms; concert halls; broadcast studios; school and college auditoriums; and all other places of similar type of occupancy. Nothing in this section shall be construed to apply to instruction rooms, libraries, lecture rooms, recreation rooms, lunchrooms or classrooms in elementary or high schools, as defined in section C26-132.0 of this code, or in colleges which are licensed to operate by the state board of regents, when such rooms are used solely and exclusively by the students of such schools or colleges.

The term “licensed place of public assembly” as used in this article shall mean any room or space which is used or occupied as a “place of assembly” as defined in this section, when the lawful use, occupancy or operation of such place is contingent upon the issuance of a license by the fire department, the police department or the department of licenses.

Whenever the words “place of assembly” are used in this chapter, such words shall be construed as if followed by the words “or any room or space which is occupied for or is intended, arranged, or designed to be occupied for such use.”

Nothing in this section shall be construed to apply to any room or space used exclusively for dwelling purposes in a private dwelling as defined in section C26-122.0 of this code or used exclusively for dwelling purposes as defined in subdivision one of section four of the multiple dwelling law, nor shall this section be applicable to places of incarceration, an asylum, a convent, a monastery, a church, a synagogue, or a theatre, motion picture theatre, opera house or concert hall subject to and complying with the provisions of article thirteen of this code and which are required to obtain a license as a “licensed place of public assembly.”

§ 2. Such code is hereby amended by adding thereto a new section, to follow section C19-165.1, to be section C19-165.2, to read as follows:

§ C19-165.2. **Smoking prohibited in retail stores.**—It shall be unlawful for any person to smoke or carry a lighted cigar, cigarette, pipe or match or use any spark, flame or fire-producing device which has not been authorized for use by the commissioner in any existing or newly created retail store which is designed and arranged to accommodate more than three hundred persons, or in which more than twenty-five persons are employed. Designated smoking and rest rooms, restaurants, executive offices and beauty parlors in such retail stores shall be exempted from this prohibition. Any person who shall violate, or refuse, or neglect to comply with any provision of this section shall, upon conviction thereof, be punished by a fine of not less than ten dollars and not more than one hundred dollars, or by imprisonment not exceeding thirty days, or by both.

§ 3. Title C of chapter twenty-six of such code is hereby amended by adding thereto a new article, to follow article seventeen, to be article eighteen, to read as follows:

ARTICLE 18

Places of assembly

SUB-ARTICLE 1

General provisions governing places of assembly

§ C26-1437.0 **Application.**—Except as otherwise provided in the administrative code of the city of New York, the provisions of this article shall apply to any new room, space or portion of a premises, or to any room, space or portion of a premises existing as or hereafter altered or converted to use or occupancy as a “place of assembly.”

§ C26-1438.0 **Egress.**—a. The means of egress in such places of assembly shall be in conformity with the provisions of this chapter relating to buildings of like classification, area, height, use and occupancy, except, however, that in all cabarets as defined in paragraph three of subdivision a of section 436-1.0 of this code the greatest distance of travel from any portion of such cabaret to a required means of egress shall not exceed seventy-five feet.

b. In all places of assembly there shall be aisles providing proper access to all required means of egress. Such required aisles shall not be obstructed in any manner whatsoever and shall be not less than three feet in width.

c. No required means of egress in a place of assembly hereafter created shall be permitted through any room or space used as a kitchen or service pantry or for the preparation of food. In an existing “place of assembly” an existing means of egress through a room or space used as a kitchen or service pantry or for the preparation of food may be accepted by the department under such conditions as may be prescribed and approved by the department.

d. The provisions of subdivision a of this section limiting to seventy-five feet the greatest distance of travel from any portion of any room or premises used as a cabaret to a required means of egress shall not apply to existing legal cabarets as defined in paragraph three of subdivision a of section 436-1.0 of this code, provided, however, that the means of egress from such cabaret is in conformity with the provisions of this chapter relating to buildings of like classification, area, height, use and occupancy.

e. The owner of each place of assembly shall submit to the department a diagram indicating the arrangement of tables, chairs, seats, dancing space, platforms, aisles and means of egress. Diagrams which have been approved by the department shall be kept on the premises for which the approval has been granted and shall be readily available for inspection. Such diagrams shall be filed with the department within sixty days after the date when this article becomes effective.

No place of assembly shall be occupied until a diagram indicating the basic arrangement of aisles has been approved by the department, and the use of any arrangement not approved by the department is prohibited.

f. The provisions of paragraph e of this section relating to the submission and approval of diagrams shall not apply to assembly rooms or auditoriums in elementary or high schools as defined in section C26-132.0 of this code or in colleges which are licensed to operate by the state board of regents; provided, however, that seats in such assembly rooms or auditoriums are stationary.

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§ C26-1439.0 **Number of persons, limited.**—The number of persons permitted to occupy a place of assembly shall be as approved by the department of housing and buildings and shall be in conformity with the provisions of this chapter relating to buildings of like classification, area, height, use and occupancy.

§ C26-1440.0 **Capacity of premises to be posted conspicuously.**—a. In every room or in any portion of a premises or building which is used as a place of assembly there shall be conspicuously posted signs indicating the number of persons who may legally occupy said room or space. Such signs shall read as follows:

OCCUPANCY
BY MORE THAN
..... PERSONS IS
DANGEROUS
& UNLAWFUL

..... Commissioner,

Department of Housing and Buildings, City of New York.

b. Such signs shall be twenty inches in width by twenty-four inches in length. The lettering thereon indicating the lawful occupancy shall be of bold gothic type in red on a background of white, shall be not less than two inches in height and the numerals shall be two and three-eighths inches in height, and such lettering and numerals shall be properly spaced to provide good visibility.

c. Such signs shall be illuminated, shall be durable, and shall be substantially secured to wall or partition.

d. Such sign shall be located at the main entrance to such space or room so as to be conspicuously visible to a person entering such space or room.

§ C26-1441.0 **Lighting systems.**—During all periods when a place of assembly is occupied such place shall be illuminated by sufficient natural or artificial light to permit a person to read in every portion thereof nine-point print of the kind generally used in the average daily newspaper. Dance halls when in use, shall be so illuminated that every person present may be plainly seen from any point in the hall. When required, artificial light shall be provided through electrical circuits and shall be maintained in continuous operation.

§ C26-1442.0 **Exit signs.**—a. In every such place of assembly the required means of egress shall be indicated by signs reading "EXIT". Letters on such signs shall be eight inches in height and such letters shall be properly spaced so as to be easily read at a distance of seventy-five feet.

b. Each such exit sign shall be illuminated by a red light of not less than twenty-five watts or equivalent photometric rating.

c. In any such place of assembly where doors, openings or passageways providing access to required means of egress are not visible from all portions of such room or premises, illuminated directional signs shall be installed in conspicuous locations in such room or premises, indicating the direction of travel to the required means of egress.

d. Such directional signs shall be of the same dimensions as specified in this section for exit signs.

e. It shall be unlawful to obscure in any manner any required means of egress, passageway, exit sign, exit light or directional exit sign.

§ C26-1443.0 **Independent circuit for illuminated exit lights and directional signs in "licensed places of public assembly."**—Notwithstanding any other provision contained in this chapter, the illumination of all exit lights and directional signs required under the provisions of this article in all "licensed places of public assembly" which have been approved by the department charged with the enforcement

of this chapter for occupancy by more than two hundred and fifty persons shall be provided through circuits separated from the general lighting and power circuits. Such installations shall be in conformity with the provisions of title B of chapter thirty of this code.

§ C26-1444.0 **Safety.**—a. The superintendent, in his discretion, may require that any opening from a space used as a kitchen or service pantry or for the preparation of food in a place of assembly be protected with a self-closing door or other device when in his opinion such protection is necessary for the safety of the occupants and to prevent the spread of fire. Any door installed for such purpose may be provided with a vision panel of clear wire glass or of plate glass not less than one-quarter of an inch in thickness.

b. In all places of assembly in which food is cooked or prepared for service in such place, the hoods over ranges and the flues for such ranges shall be thoroughly cleaned at least twice each year. A record indicating the person or firm which completed such cleaning process and the date when such flues were cleaned shall be kept on the premises and shall be available for examination.

§ C26-1445.0 **Dressing rooms.**—a. In places of assembly in which dressing rooms are provided for performers, such dressing rooms shall be equipped with sprinklers as prescribed by the superintendent. Water supply for such sprinklers may be taken from the domestic water service of the building.

The provisions of this subdivision shall not apply to guest rooms in hotels when such guest rooms used for the accommodation of performers are separate and remote from that part of the premises used as a place of assembly.

b. All dressing rooms used by performers shall be provided with adequate means of egress as prescribed by the superintendent.

§ 26-1446.0 **Revolving doors prohibited.**—a. No class B revolving door shall be permitted in any place of assembly.

b. It shall be unlawful to install a revolving door or continue the use of an existing revolving door in any exit opening from a place of assembly, except that:

1. A supplemental revolving door may be installed or maintained immediately adjacent to a required exit.

2. Where the occupancy is less than one hundred and fifty persons one of the required exits may be through a revolving door provided there is immediately adjacent thereto an outwardly swinging door of at least twenty-eight inches in width and provided further that there is another required exit from such place of assembly.

c. The provisions of this section shall not apply to street exit doors in class 1, class 2 or class 3 structures where there intervenes, between the place of assembly and said exit doors, areas of safety into which exits of the place of assembly discharge. Said areas shall be public stairhalls, exit corridors or similar protected areas adequate, under the provisions of article seven of this code, for the accommodation of all the occupants of the building including those of such place of assembly.

d. All type A revolving doors shall be cleaned, lubricated, and maintained in proper working order. Tests shall be made each month so that in the event of an emergency such doors may fold back in conformity with the provisions of section C26-287.0 of this code.

A record, indicating the name of the person or firm which made such tests and the date on which such tests were conducted, shall be kept on the premises and shall be available for inspection.

During the period of World War No. 2 and one year thereafter, nothing contained in this section shall be construed to preclude the use of revolving doors in places of assembly other than cabarets or dance halls if such revolving doors legally existed therein on January first, nineteen hundred forty-three, provided, however, that adjacent to such revolving doors there are required means of egress equipped

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with outwardly swinging doors and further provided that in the opinion of the superintendent no undue hazard will result therefrom.

§ C26-1447.0 **Approval required, permits, fees.**—a. It shall be unlawful to use or occupy any building or portion of a building or premises as a place of assembly unless an application for such use or occupancy has been filed with and approved by the department.

b. Application forms and permits required under this section shall be provided by the department.

c. The permit issued by the department for such place of assembly shall be kept readily accessible in all such places of assembly.

d. An annual fee of five dollars shall be paid to the department upon the issuance of the required permit for a place of assembly.

e. The provisions of this section relating to the payment of a fee shall not apply to any place of assembly occupied exclusively by a religious, charitable or educational organization no part of the net earnings of which inures to the benefit of any private shareholder or individual, or to any place of assembly for which a fee is collected by any other department of the city, for similar use and occupancy.

f. The issuance of a permit by the department under this article shall be contingent on the approval of the fire commissioner and of the department of water supply, gas and electricity, and, if a license is required under the provisions of section 436-1.0 of this code, the applicant shall also obtain the approval of the police commissioner.

g. A permit issued under the provisions of this article shall not affect application of the provisions of paragraph b of subdivision one of section 487a-1.0 of this code.

§ C26-1448.0 **Date effective.**—a. The provisions of section C26-1437.0 of this article shall become effective immediately.

b. Except as otherwise specifically provided in this article, such changes as may be required under the provisions of sections C26-1438.0, C26-1439.0, C26-1440.0, C26-1441.0, C-26-1442.0, C26-1444.0, C26-1446.0 and C26-1447.0 of this article shall be completed within sixty days from the date on which this article becomes effective.

c. Such changes as may be required under the provisions of sections C26-1443.0 and C26-1445.0 of this article shall be completed within six months from the effective date of this article.

§ C26-1449.0 **Violations, penalties.**—In addition to any other penalty prescribed by this code, any person who shall violate any provision of this article, upon conviction thereof, shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment not exceeding ten days, or by both. Upon a second conviction of such violation the commissioner shall have discretionary power to revoke or suspend any permit issued by the department under the provisions of this article.

If any place of assembly is used or occupied in violation of any provision of this article, whether or not there has been a conviction of any person for such violation, the commissioner may serve notice upon the person charged with having violated such provision, requiring such person to comply with the provisions of this article within ten days after the service of such notice, and if such person fails to comply within said period, the commissioner may serve notice upon such person that a hearing will be held by the said commissioner at a time and place to be fixed in said notice to determine whether or not such violation existed or still exists, and if, after such hearing, at which the person charged with such violation shall be given an opportunity to be heard and present proof, the commissioner determines that such violation continues to exist, he may suspend any permit issued by the department of housing and buildings under the provisions of this article for a period of time not

exceeding three months, and during such suspension it shall be unlawful to use or occupy such portion of the premises as a place of assembly.

§ 4. Section C19-161.1 of such code as added by local law one hundred and twelve of nineteen hundred thirty-nine is hereby amended to read as follows:

§ C19-161.1 **Flame-proofing of decorations, drapes, curtains and scenery.**—It shall be unlawful for any person to use any decoration, drape, curtain and scenery used for artistic enhancement, which is made of combustible material, unless painted or saturated with a non-combustible material or liquid or otherwise rendered safe against fire in accordance with the requirements of the commissioner, in any building of a public character, including a hotel, theatre, restaurant, public hall, department store, and a building used or intended to be used for purposes of public assembly, or licensed places of public assembly, amusement or instruction, and a building where large numbers of persons congregate. The liquids, materials or compounds, as required under the provisions of this section, and their method of application, shall be approved by the board of standards and appeals. Tests for each specific application of originally treated combustible material, or any retests thereof, and the testing of all flame-proofed products, permitted, pursuant to the provisions of this section, shall be as prescribed by, and in accordance with the requirements of the commissioner. Nothing in this section shall permit the use of any wall or ceiling covering or decoration, having an acetate cellulose or nitrate cellulose content, or incapable of being adequately flame-proofed. Nothing in this section shall be construed to apply to merchandise for sale or displayed for sale, or displayed at a business show; to guest rooms in hotels; to offices; to works of art in museums; nor to churches or to places of religious worship.

Nothing in this section shall prohibit the use of cut flowers, fresh cut decorative greens, or natural trees, plants, shrubs or grass, for artistic enhancement or decorative purposes, provided such trees, plants, shrubs or grass, are in soil and are maintained in a healthy condition. Nothing in this paragraph shall permit the use of hemlock, balsam, spanish moss, or other decorative greens, which contain pitch. It shall be unlawful to hang or otherwise maintain fresh cut decorative greens in a place of assembly or licensed places of public assembly upon a combustible framework or base, or by means of a combustible material, or to permit any fresh cut decorative greens to be hung, or maintained, for a period in excess of twenty-four hours.

§ 5. Paragraph three of subdivision a of section 436-1.0 of such code is hereby amended to read as follows:

3. The word "cabaret" shall mean any room, place or space in the city in which any musical entertainment, singing, dancing or other similar amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink. It shall also include any room or space which is used in the catering business and in which any musical entertainment, singing, dancing or other entertainment is permitted.

§ 6. Paragraph one of subdivision d of section 436-1.0 of such code as last amended by local law twenty-five of nineteen hundred thirty-eight is hereby amended to read as follows:

1. The license herein prescribed shall be issued by the commissioner. Application for such license shall be made on a form containing such information as may be determined by the commissioner, and shall be sworn to by the applicant. The fee for each such license shall be one hundred fifty dollars for each year or fraction thereof, provided, however, that a summer seasonal license may be issued for the period commencing on the thirtieth day of May and ending on the thirtieth day of September for which the fee shall be seventy-five dollars.

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If additional rooms are to be used independently by the same applicant in the same premises as a dance hall or cabaret, the applicant shall indicate on the application the location of each and every room or space which is to be used for such purpose. In such case a separate license shall be required for each such additional independent room or space, and the fee for each independent additional room or space shall be five dollars.

§ 7. Paragraph two of subdivision d of section 436-1.0 of such code is hereby amended as follows:

2. A steamship or boat moored or tied to a dock, pier or shore, and which contains a dance hall or cabaret in use while so moored or tied, shall be required to obtain such license.

§ 8. Paragraph five of subdivision d of section 436-1.0 of such code is hereby amended to read as follows:

5. A license hereunder shall issue only if the place for which it is issued complies with all laws and with the rules and regulations of the department of housing and buildings, the police department, the fire department, the department of health and the department of water supply, gas and electricity, and, in the opinion of the police commissioner, is a safe and proper place to be used as a public dance hall or a cabaret.

§ 9. Subdivision f of section 436-1.0 of such code is hereby amended to read as follows:

f. Suspension and revocation of license. A license may be suspended or revoked by the commissioner for any violation of law or upon the ground that disorderly, obscene or immoral conduct is permitted on the licensed premises. In addition to other penalties provided by law, if any cabaret or dance hall is used or occupied in violation of any provision of section C26-1439.0 or section C26-1440.0 of this code, the commissioner may suspend or revoke the license of any cabaret or dance hall for a period of time not exceeding three months, and during such period of suspension or revocation it shall be unlawful to use or occupy any portion of such premises as a dance hall or cabaret. The commissioner shall cause to be served upon such parties as he may deem to be interested therein such reasonable notice of his intention to revoke such license as he may determine to be proper. There shall be included in or attached to such notice a statement of the facts constituting the violation charged. Licensees shall be entitled to a hearing before the commissioner. If the license of any place be twice revoked within a period of one year, a new license shall be denied to such place for a period of at least one year from the date of the second revocation.

§ 10. Subdivision g of section 436-1.0 of such code is hereby amended to read as follows:

g. Inspection before and after issuing license. A license shall be issued only after the commissioner shall have caused an inspection to be made of the premises to be licensed and not until the commissioner is satisfied that such place complies with all laws and the rules and regulations of the department of housing and buildings, the fire department, the police department, the health department and the department of water supply, gas and electricity in so far as the same are applicable thereto. The commissioner shall also cause to be made such inspections as may be necessary to ascertain whether the places licensed are maintained in compliance

with law. For the purpose of facilitating the inspections prescribed by this section, the commissioner is authorized to call upon the head of any city agency and such agency and its employees shall make such inspections as may be required.

§ 11. Subdivision h of section 436-1.0 of such code is hereby amended to read as follows:

h. Permit for a public dance or ball. Premises licensed hereunder shall be leased or hired out, and used, for the purpose of holding a public dance or ball only after the person intending to hold such public dance or ball shall apply for and receive from the commissioner a permit to hold same. Such permit shall be issued only upon condition that the dance or ball shall be held in accordance with the rules and regulations adopted by the commissioner. The commissioner is authorized to adopt reasonable rules and regulations for the holding of such public dances and balls for the purpose of preventing thereat any fraudulent solicitation of monies or any disorderly or immoral behavior or conduct calculated to disturb the public peace or safety. Application for such permit shall be made to the commissioner upon such forms as he may prescribe. A fee of ten dollars shall be paid for each such permit. Such permit may at any time be revoked by the commissioner in case it appears probable that the public dance or ball for which permit has been issued will not be conducted in accordance with such rules and regulations. A permit pursuant to this section, in the discretion of the commissioner, may provide that such public dance or ball may be continued between four ante meridian and eight ante meridian; and in such case the license issued for the premises in which such public dance or ball is to be conducted shall not be deemed violated by reason of the fact that such premises are open to the public between such hours.

§ 12. Subdivision i of section 436-1.0 of such code is hereby amended by adding thereto a new paragraph, to follow paragraph three, to be paragraph four, to read as follows:

4. A licensee permitting his or its premises to be used for a public dance or ball for a single occasion without first ascertaining that the person holding such public dance or ball has a permit from the police commissioner to conduct such public dance or ball shall be guilty of an offense and shall be punished by a fine of not more than fifty dollars or imprisonment not to exceed thirty days, or both.

§ 13. Saving clause.—If any clause, sentence, paragraph, section or part of this law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 14. This local law shall take effect immediately.
THE CITY OF NEW YORK,
OFFICE OF THE CITY CLERK, ss:

I hereby certify that the foregoing is a true copy of a local law passed by the Council of The City of New York, concurred in by the Board of Estimate and approved by the Mayor on July 24, 1943, on file in this office.

H. WARREN HUBBARD,
City Clerk, Clerk of the Council.

NOTICE

Instructions promulgated by the Department of Housing and Buildings for the filing of an application for a "Place of Assembly" appear on the following pages.

NOTICE

DEPARTMENT OF HOUSING AND BUILDINGS BOROUGH OF , CITY OF NEW YORK

NOTICE—This Application must be TYPEWRITTEN and filed in TRIPLICATE.

APPLICATION FOR PERMIT FOR A PLACE OF ASSEMBLY

Under Local Law No. 29, effective July 24, 1943

MISC. APPLICATION NO. 194. BLOCK LOT USE DIST.
LOCATION

NOTE: For instructions as to the requirements and filing of this application, see the other side of this sheet.

SPECIFICATIONS

1. Location of space or room on story
2. Type of occupancy
3. Was above occupancy established prior to January 1, 1938?
4. Maximum number of persons to be accommodated?
5. Has this use been approved by this department? Date
6. State number of different seating arrangements to be used
7. Is fee required to be paid to this department under Sec. C26-1447.0?
8. Present building: Fireproof? Non-fireproof? Frame?

STATE AND CITY OF NEW YORK }
COUNTY OF } ss: being duly
(Typewrite Name of Applicant)
sworn deposes and says: That he resides at Borough of

..... City of New York; that he is the agent for the (owner-lessee) of the premises above described, and is duly authorized to make this application for approval of the diagram and specifications herewith submitted, and made a part hereof, for the work to be done in the building therein described,—with the understanding that if no permit is issued hereunder within one year from the time of approval, such approval shall expire by limitation as provided by law; and the applicant agrees to comply with all provisions of the Administrative Code and all laws and regulations applicable to the use and maintenance of such space in effect at this date; that any work to be done is duly authorized by the owner. Deponent further states that the full names and residences of the owners or lessees of said premises are:

Owner Address

Lessee Address

Sworn to before me this

day of, 194 (Sign here) Applicant

Notary Public or Commissioner of Deeds

If Licensed Architect or Professional Engineer,
affix seal.

Specify any proposed work to be done under this application:

Has plan been filed for this construction work?

COMPENSATION INSURANCE has been secured in accordance with the requirements of the Workmen's Compensation Law as follows:

NOTE: Examiner shall indicate from which departments an approval is required before a permit may be issued by this department. (§C26-1447.0)

EXAMINED AND RECOMMENDED

FOR APPROVAL ON, 194 Examiner

APPROVED, 194 Borough Superintendent

NOTICE

INSTRUCTIONS

For the Filing of an Application for a "Place of Assembly",
as Required by Local Law No. 29, Effective July 24, 1943.

§C26-116.0 defines a "place of assembly" as a room or space which is occupied by seventy-five or more persons and which is used for educational, recreational or amusement purposes and shall include assembly halls in school structures; dance halls; cabarets; night clubs; restaurants; any room or space used for public or private banquets, feasts, socials, card parties or weddings; lodge and meeting halls or rooms; skating rinks; gymnasiums; swimming pools; billiard, bowling, and table tennis rooms; halls or rooms used for public or private catering purposes; funeral parlors; markets; recreation rooms; concert halls; broadcasting studios; school and college auditoriums; and all other places of similar type of occupancy.

The requirements of some of the important provisions of Local Law No. 29 of 1943 are as follows:

1. A diagram shall be filed, one-eighth-inch scale, indicating the basic arrangement of aisles, exits, etc. (§C26-1438.0)
When such diagram has been approved by the Department, duplicate diagrams shall be filed on cloth. One copy shall be kept on the premises and shall be readily available for inspection.
2. If any required exit is through a kitchen or pantry, indicate same on diagram. Also indicate the maximum distance of travel from any point in such space to the exit doors or stairway. (§C26-1438.0)
3. Indicate on diagram the location of "CAPACITY SIGN" twenty-inches by twenty-four inches, indicating the maximum number of persons to be accommodated. (§C26-1440.0)
4. Indicate on diagram that the room or space used for assembly will be provided with sufficient illumination to permit a person to read nine-point print of the type generally used in a daily newspaper. (§C26-1441.0)
5. Indicate on diagram the location of directional and "EXIT" signs eight inches in height. (§C26-1442.0)
6. The illumination of all exit lights and directional signs in all "licensed places of public assembly" which have been approved for occupancy by more than 250 persons shall be provided through circuits separate from the general lighting and power circuits, and such installation shall be approved by the Department of Water Supply, Gas and Electricity. (§C26-1443.0)
7. If dressing rooms for entertainers are provided, indicate on diagram the location of the exits and sprinkler heads. (§C26-1445.0)
8. If revolving doors are present or are to be used, indicate location and type of door. Revolving doors which do not collapse automatically (Type, B) shall be removed. (§C26-1446.0)
9. Revolving doors which collapse automatically (Type A) shall be oiled and cleaned each month, and a record of maintenance shall be kept on the premises. (§C26-1446.0)
10. The hoods over ranges, and the flues for such ranges, shall be thoroughly cleaned at least twice each year. A record of such maintenance shall be kept on the premises and shall be available for examination. (§C26-1444.0)
11. A permit shall be secured from this department. An annual fee of five dollars shall be paid to this department upon the issuance of the permit. (§C26-1447.0)
12. §C19-161-1.1 requires that drops, curtains, decorations and scenery be flameproofed in conformity with the provisions of the Administrative Code and the Rules and Regulations of the Board of Standards and Appeals and the Fire Department.
13. §C26-1449.0 provides that "any person who shall violate any provision of this article, upon conviction thereof, shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment not exceeding ten days, or by both. Upon a second conviction of such violation the commissioner shall have discretionary power to REVOKE OR SUSPEND ANY PERMIT issued by the department under the provisions of this article."

Work commenced.....Date signed off....., 194.....

I HEREBY CERTIFY that this report is true in every respect and that the work indicated has been done in the manner required by the Administrative Code and the Rules and Regulations of this department, except where reported adversely.

Signed....., Inspector

RULES

RULES FOR TESTS OF FIRE-RESISTIVE, FLAMEPROOFED MATERIALS, SUCH AS TEXTILES, PAPER, SIMILAR MATERIALS AND ADHESIVES USED FOR DECORATIVE PURPOSES AND TREATED ACOUSTICAL DRAPERIES, CARPETS AND SIMILAR MATERIALS FOR USE IN PLACES OF PUBLIC ASSEMBLY AND SPECIAL OCCUPANCY STRUCTURES.

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS MAY 3, 1940. EFFECTIVE, IN ACCORDANCE WITH SECTION 665, SUBDIVISION C, OF THE NEW YORK CITY CHARTER, MAY 27, 1940.

[Cal. No. 294-40-SR]

AUTHORITY:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraph 2, of the Charter of the City of New York and Section C26-721.0b (12.2) as amended by Local Law No. 170, approved November 14, 1939, and Section C19-161.1 Local Law No. 112, approved July 18, 1939.

1.0 SCOPE

These requirements apply to flameproofed combustible materials used for decorative or other purposes within special occupancy structures as defined in Section C26-715.0 (12.1.1) and other places of public assembly as provided in Section C-19-161.0, which was amended by Local Law No. 112.

2.0 GENERAL REQUIREMENTS

It shall be unlawful for any person to use any decorations, drape, curtain or scenery used for artistic enhancement which is made of combustible material, unless painted or saturated with a non-combustible material or liquid or otherwise rendered safe against fire to the satisfaction of the Fire Commissioner and in accordance with the requirements of these Rules, in any building of a public character, including a hotel, theatre, restaurant, public hall, department store, and a building used or intended to be used for purposes of public assembly, amusement or instruction, and a building where large numbers of persons congregate (See Section C19-161.1) except as exempted in Rule 7.

After flameproofing, such processing as ironing, sewing and normal handling shall have no detrimental effects on the treatment of the material.

3.0 APPROVAL OF MATERIALS AND METHODS USED IN FLAMEPROOFING TEXTILES, ETC.

3.1 No materials or methods for flameproofing combustible materials for use under these Rules shall be used unless approved by the Board.

4.0 FLAMEPROOFING PROPERTIES.

The flameproofed material, when subjected to the test described in Rule 5.0, shall meet the following requirements as to fire-retardant properties.

4.1 FLASHING—No flashing shall occur at any time on the length of the test specimen. A flashing due to fuzz or bad edges may be disregarded.

4.2 DURATION OF FLAME—The average continuation of flaming shall not exceed 3 seconds.

4.3 DURATION OF GLOW—The average continuation of glow at the edge of the charred area shall not exceed an additional twenty seconds after the cessation of flaming. Glow confined to the charred area may be disregarded.

5.0 TESTS.

Tests for each specific installation of originally treated combustible material, or any re-tests thereof, shall be made by the Fire Commissioner, or in a laboratory approved by him, in accordance with the requirements of these Rules.

5.1—SAMPLING FOR TEST SPECIMENS—

Samples of each variety of material and for every kind of treatment shall be subject to separate tests. Samples shall be of sufficient size to furnish test specimens provided for in Rule 5.2. At least three samples shall be furnished for every 500 square feet or fraction thereof.

5.2—TEST SPECIMENS—Specimens for test shall be 2 in. wide and 12½ in. long and shall be numbered on one end. Test specimens shall be carefully cut from at least three different places in the material to provide a minimum of three test specimens from each material for testing.

5.3 CONDITIONING OF TEST SPECIMENS—The test samples or test specimens shall be dried for 24 hours in a room of average temperature of 70° F., with an average humidity of 40%.

5.4—TEST FOR PERMANENCE OF CHEMICALS—Test specimens shall be suspended by folding and pinning one-half inch of the numbered end over a horizontal 8-gauge wire, placed two inches above the center of a 7-inch opening in a 3 ft. wind tunnel arranged to deliver a wind velocity to the air, at the tunnel end, of 700 lineal feet, plus or minus 50 ft. per minute, as measured by a suitable anemometer on a line with the wire. In this position the test specimens shall be whipped for five minutes. Immediately upon conclusion of this test, the specimens shall be placed in a closed dry container until required for the flame test.

5.5 APPARATUS FOR FLAME TEST—The apparatus shall consist of a ring stand 20 inches high with an adjustable clamp housed in a metal shield 12 inches square and 20 inches high, open in front and at both ends and a Bunsen or Tirrill gas burner which shall have a tube of ⅜-inch inside diameter.

5.6 FLAME TEST—A whipped test specimen shall be taken from the closed container required in Rule 5.4 and suspended vertically with one-half inch of the numbered end in a clip held in a clamp on the ring stand so that the test specimen shall hang vertically within and near the center of the metal shield required in Rule 5.5. The lower end of the test specimen shall be three-quarters of an inch above the top of the gas burner on which the air supply is shut off completely and adjusted to give a luminous flame 1½ inches long. The flame shall be applied for 12 seconds, then withdrawn. The result of the test for duration of flame and duration of glow of the three test specimens shall each be averaged and recorded. Flashing, if any, shall be noted.

6.0 APPROVAL AND CERTIFICATION.

The approval of materials that have been flameproofed, as provided in Rule 1.0 and tested as required in Rule 5.0 with flameproofing properties as given in Rule 4.0, shall be limited to one year. An affidavit by the person, firm or corporation flameproofing the combustible materials shall be filed with the Fire Commissioner stating that the flameproofing compound and method complies with the approval of the Board, with calendar number thereof, and including the date of treatment and warranted period of effectiveness of the flameproofing.

6.1 The Fire Commissioner may require check tests at any time. Upon the termination of the approval, as provided for in Rule 6.0, a retest of the flameproofed combustible materials shall conform to the following:

Flameproofed materials shall withstand a test of at least 400° F., as measured by a pyrometer, or other acceptable method, for approximately one-minute's duration by means of an open flame. Under such test, the flameproofed material shall not flash or support combustion and shall not glow outside of the char if a char is set up by the open flame. Material found not to conform to these requirements, shall be removed and replaced with materials conforming to the requirements of Rule 4.0.

7.0 EXEMPTION.

These Rules shall not be construed to apply to merchandise for sale or displayed for sale, to guest rooms in hotels, to offices, to works of art in museums, nor to churches or places of religious worship.

BULLETIN

OF THE

SEP 22 1943

UNIVERSITY OF ILLINOIS

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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No. 37

DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1000 to 1018.

TELEPHONE—WOrth 2-5600.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.

Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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This issue of the Bulletin contains in the order given—

Docket.

Rules Directory.

The Hearing Calendar.

Rules—Extracts From the Administrative Code of the City of New York, Relating to Refrigerating systems.

Fire Drill Rules.

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET

New Cases Filed up to September 7, 1943.

- | Cal. No. | Dept. | Premises Affected. |
|-----------|--------|---|
| 426-43-A | F.D. | 12 East 86th street, southwest corner of Madison avenue and 11 East 85th street (cellar); (Block 1497, Lot 9), Borough of Manhattan, 34767-L.C. and Decision. |
| 427-43-S | H.B.M. | 406-416 East 91st street, south side, 94 ft. east of First avenue (Block 1570, Lot 41), Borough of Manhattan, Amendment to Alt. 670-43. |
| 428-43-A | H.B.M. | 406-416 East 91st street, south side, 94 ft. east of First avenue (Block 1570, Lot 41), Borough of Manhattan, Amendment to Alt. 670-43. |
| 429-43-A | H.B.M. | 231 West 54th street, north side, 92.25 ft. west of Broadway (Block 1026, Lot 15), Borough of Manhattan, Amendment to Alt. 612-43. |
| 430-43-A | F.D. | 523-549 East 14th street and 234-244 Avenue B, northwest corner (Block 972, Lot 16), Borough of Manhattan, 18356-L.F. and Decision. |
| 431-43-SM | | Radiator Specialty Company Closet Bowl Setting Seal, manufactured by Radiator Specialty Company, Material. |
| 432-43-S | H.B.Q. | 35-01 Queens boulevard, northeast corner of 35th street (Block 222, Lot 9), Long Island City, Borough of Queens, Alt. 1166-43. |

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

RULES

	Last Publication in Bulletin
Blended Cements, Rules for Testing and Use of	Nov. 24, 1942—Vol. 27, No. 47
Carbon Dioxide Liquefier, Rules	June 22, 1943—Vol. 28, No. 25
Certificates of Occupancy, approved form	Nov. 25, 1941—Vol. 26, No. 47
Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Masonry Units, Rules for Manufacture, Testing and Use of	June 24, 1941—Vol. 26, No. 25
Concrete Rules (Hydrated Lime)	Aug. 3, 1937—Vol. 22, No. 31
Elevator Rules	Mar. 3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors)	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules	Feb. 2, 1943—Vol. 28, No. 5
Fire Alarm Rules (Interior)	June 8, 1943—Vol. 28, No. 23
Fire Drill Rules	Sept. 14, 1943—Vol. 28, No. 37
Fire-resistant, Flameproof Materials, etc., Rules for Testing of	Sept. 7, 1943—Vol. 28, No. 36
Fire Retarding Rules for Garages, etc.	Dec. 16, 1941—Vol. 26, No. 50
Fireproof Wood, Testing of	Apr. 13, 1937—Vol. 22, No. 15
Frame Garages, Ruling for	Jan. 21, 1919—Vol. 4, No. 3
Fusion Welding and Gas Cutting Rules	Apr. 27, 1943—Vol. 28, No. 17
Gas Shut-Off Rules	Apr. 7, 1925—Vol. 10, No. 14
Hatchway Protection	June 5, 1928—Vol. 13, No. 23
Insulating Fibre Board Rules	Mar. 23, 1943—Vol. 28, No. 12
Oil Burner Rules	July 13, 1943—Vol. 28, No. 28
Opening Protective Assemblies, Rules for Inspection of	July 27, 1943—Vol. 28, No. 30
Paint, Varnish and Lacquer Spraying Rules	July 13, 1943—Vol. 28, No. 28
Platform Trucks, Specifications for	Nov. 24, 1936—Vol. 21, No. 47

	Last Publication in Bulletin
Plumbing Rules	Aug. 3, 1937—Vol. 22, No. 31
Plumbing Rules (Submerged Inlets; Protective Methods to Prevent Contamination of Water Supply)	Dec. 15, 1942—Vol. 27, No. 50
Procedure, Rules of	Sept. 7, 1937—Vol. 22, No. 36
Refrigerating Systems, Extract A.C.	Sept. 14, 1943—Vol. 28, No. 37
Smoking in Factories, Rules for	June 1, 1943—Vol. 28, No. 22
Sprinkler Rules	June 29, 1937—Vol. 22, No. 26
Standpipe Fireline Rules	June 8, 1937—Vol. 22, No. 23
Structural Alterations, Reporting	June 7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc.	Nov. 24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.	Nov. 24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr. 10, 1923—Vol. 8, No. 15

Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

SEPTEMBER 14, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 14, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

82-43-BZ—Application of James A. Boyle, applicant, on behalf of Louis L. Ahlers and Mary Fromer, owners (Celtic Circle, Inc., Sheepshead Bay Unit No. 1, lessee), reopened and restored to calendar, July 20, 1943, under section 7c of the zoning resolution, to permit partly in a residence use and partly in a business use district, the erection of a grandstand for an athletic field, the use of which is primarily for business purposes (previously dismissed for lack of prosecution); premises 1232-1254 Avenue Z and 2602-2644 East 13th street, southwest corner and 2601-2649 Homecrest avenue (Block 7457, Lots 1 and 15), Borough of Brooklyn.

663-42-BZ—Application, September 8, 1942, under sections 7e and 21 of the zoning resolution, of Jacob Beller, applicant, on behalf of Henrietta Coopersmith, owner (Annie Oakley, lessee), to permit in a residence use district, for a term of two years, the conversion of occupancy of an existing frame structure, to a stable for more than five horses and also, as a riding academy; premises 90-17 71st avenue and 70-67 to 70-79 Walnut street, northwest corner (Block 3899, Lot 1), Forest Hills, Borough of Queens.

282-35-BZ—Application of Paul Friedman, applicant, on behalf of Bay Parkway Holding Corporation, owner (Empire Chevrolet, Inc., lessee), reopened July 20, 1943, under section 7f of the zoning resolution, to permit in a business use district, for a term of five years, the conversion of occupancy of the use of the premises as office, five car garage and auto laundry to office, lubritorium, auto laundry and gasoline service station; premises 1159-1167 Utica avenue and 5002-5010 Clarendon road, southeast corner (Block 4771, Lot 1), Borough of Brooklyn.

CALENDAR

Appeals from Administrative Decisions.

332-43-A—77-52 74th street, west side, 89 ft. north of 78th avenue (Block 3811, Lot 29), Glendale, Borough of Queens.

346-43-A—87-86 188th street, west side, 100 ft. north of Hillside avenue (Block 9960 (1007), Lot 56 (1)), Hollis, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

SEPTEMBER 14, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon, September 14, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

746-42-A—241 West 72nd street, north side, 280 ft. 5½ in. west of Broadway (Block 1164, Lot 15), Borough of Manhattan.

267-43-A—Re packaging of combustible mixture, known as "Neptune Waterproof Belt Cement," in one-quart and one-pint glass bottles (capacity of glass bottles not in conformity with Administrative Code Specifications).

910-39-A—107-111 Myrtle avenue, north side, 21 ft. west of Bridge street (Block 143, Lot 30), Borough of Brooklyn (reopened July 13, 1943).

710-42-S—57-02 48th street (Block 24552, Lot 24), Maspeth, Borough of Queens.

52-43-A—645-669 73rd street, north side, 203 ft. 8 in. west of Seventh avenue and 656-674 72nd street (Block 5911, Lot 31), Borough of Brooklyn.

313-43-A—28 South 9th street, south side, 98 ft. east of Kent avenue (Block 2144, Lot 10), Borough of Brooklyn.

252-42-A—296-302 7th street, south side, 214 ft. 4 in. west of Fifth avenue (Block 998, Lots 26, 28 and 29), Borough of Brooklyn, (reopened and restored to calendar, November 10, 1942; previously withdrawn).

364-43-A—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

615-42-A—1680 Broadway, east side, 104 ft. south of West 53rd street (Block 1024, Lot 38), Borough of Manhattan.

369-43-A—1764-1768 and 1770 Circumferential parkway, northwest corner of Bay 37th street (Block 6942, Lots 17 and 92), Borough of Brooklyn.

635-41-A—398-408 Riverdale avenue, southwest corner of Junius street (Block 3831, Lot 25), Borough of Brooklyn (reopened May 4, 1943; previously withdrawn).

99-43-A—770-774 Eastern parkway, south side, 90 ft. west of Kingston avenue (Block 1271, Lot 31), Borough of Brooklyn.

331-43-A—30-89 32nd street, east side, 125 ft. north of 31st avenue (Block 616, Lot 2), Long Island City, Borough of Queens.

372-43-S—442-448 Fourth avenue, northwest corner of East 30th street (Block 860, Lot 37), Borough of Manhattan.

375-43-A—442-448 Fourth avenue, northwest corner of East 30th street (Block 860, Lot 37), Borough of Manhattan.

47-43-A—3064 Brighton 4th street, west side, 124 ft. north of Brighton Beach avenue (Block 7284, Lot 1260), Borough of Brooklyn.

709-42-A—199 Broadway, north side, 25 ft. 5¼ in. west of Washington Plaza (Block 2444, Lot 92), Borough of Brooklyn.

382-43-A—150 Ocean parkway, west side, 395 ft. south of Caton avenue (Block 5328, Lot 30), Borough of Brooklyn.

255-43-A—28-53 216th street, north side, 477.32 ft. east of 28th avenue (Block 6019, Lot 1), Bayside, Borough of Queens (under section 35, General City Law—re bed of mapped street—29th avenue).

385-43-A—150-01 Union Turnpike, northeast corner of 150th street (Block 6712, Lots 16 and 17), Flushing, Borough of Queens (under section 35, General City Law—re bed of mapped street—150th street).

432-43-S—35-01 Queens boulevard, northeast corner of 35th street (Block 222, Lot 9), Long Island City, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

SEPTEMBER 17, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Friday morning, September 17, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Appeal from Administrative Decision.

412-43-A—52-01 Flushing avenue, north side, 310 ft. 6¾ in. east of Metropolitan avenue (Block 2626, Lot 22 and Block 2628, Lots 28 and 50), Maspeth, Borough of Queens (Under section 35, General City Law re bed of mapped street—52nd street).

HARRIS H. MURDOCK, *Chairman.*

SEPTEMBER 21, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning, September 21, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Zoning Applications.

258-35-BZ—Application of Henry C. Brucker, applicant, on behalf of Octagon Laundry, Inc., owner, reopened July 27, 1943, re amendment to resolution—re Application, previously granted on condition, under section 7b of the zoning resolution, permitting the extension from a business use district into a residence use district, of an existing wet wash laundry and the erection, partly in a business use district and partly in a residence use district, of a proposed garage for more than five motor vehicles as an accessory to the laundry; premises 2120-2124 Menahan street (rear), south side, 185.96 ft. east of Grandview avenue (Block 3373, Lot 18), Ridgewood, Borough of Queens.

637-39-BZ—Application of J. G. L. Molloy, applicant, on behalf of Shell Oil Co., Inc., owner, reopened July 13, 1943, under sections 7f and 7c of the zoning resolution, to permit in a retail use district, for a term of years, the parking of more than five motor vehicles, upon part of an existing gasoline service station; which gasoline service station was previously extended by the

CALENDAR

Board; premises 63-56 Austin street and 91-39 63rd drive, southwest corner (Block 3103, Lot 43), Rego Park, Borough of Queens.

404-43-BZ—Application, August 16, 1943, under sections 7c and 21 of the zoning resolution of Charles A. Dunker, applicant on behalf of Taverna Coal Co., owner, to permit in a residence use district, the erection and maintenance of a building to be used as an office and garage for four (4) motor vehicles to be used in conjunction with the existing coal yard on the site; premises 51-67 Manee avenue, east side, 531.78 ft. south of Amboy road and 52-56 Bayview avenue (Block 6751, Lot 284), Princes Bay, Borough of Richmond.

406-43-BZ—Application, August 17, 1943, under section 7c of the zoning resolution, of Alfred H. Eccles, applicant on behalf of American Ice Co., owner, to permit partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building used as an ice manufacturing plant, to a factory for the fabrication of plastics and also, the alteration and the erection of an additional intermediary story within the present envelope of the building; premises 223-01 Northern boulevard and 43-29 223rd street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens.

Appeal from Administrative Decision.

407-43-S—223-01 Northern boulevard and 43-29 223rd street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

SEPTEMBER 21, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon, September 21, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions.

191-43-A—15 West 77th street and Central Park West at 79th street (Block 1130, Lot 1), Borough of Manhattan.

12-43-A—679 Broadway, west side, 25 ft. south of West 3rd street (Block 532, Lot 10), Borough of Manhattan.

658-42-A—45 Roebling street, southeast corner of North 9th street (Block 2314, Lot 5), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

SEPTEMBER 28, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning, September 28, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Zoning Application.

138-43-BZ—Application, March 30, 1943, under section 7f of the zoning resolution of Lama and Proskauer, applicants on behalf of Amijo Realty Corporation, owner, to permit partly in a business use and partly in an unrestricted use district for a term of two years, the parking and storage of more than five motor vehicles (buses); premises 92-12 60th avenue and 60-03 to 60-11 92nd street, southeast corner (Block 1876, Lot 7), Forest Hills, Borough of Queens.

HARRIS H. MURDOCK, *Chairman*

OCTOBER 19, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning, October 19, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Zoning Application.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

NOTICE

The demand for copies of Local Law No. 29, amending the Administrative Building Code in relation to Places of Assembly, has been so great as to deplete the supply of the Bulletins in which this law has been published on August 17 and September 7, 1943. It is understood that additional copies of the City Record in which Local Law No. 29 was published are no longer available. It has come to the Board's notice that the New York Building Congress, 101 Park Avenue, has reprinted the law for distribution to its membership and has a limited additional supply. Copies, it is understood, can be obtained at ten cents the copy, plus postage.

RULES

EXTRACTS FROM THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, RELATING TO REFRIGERATING SYSTEMS

General Provisions.

§C19-2.0. Definitions.

Unless otherwise expressly stated, whenever used in this chapter the following terms shall respectively be deemed to mean:

34. Refrigerating system, a combination of apparatus in which a refrigerant is circulated for the purpose of extracting heat.

(a) The parts of the system are the compressor, generator, condenser, absorber, receiver, shell type or tube type apparatus, pipes, vessels, or other parts, containing refrigerant.

(b) Direct refrigeration, a system in which the refrigerant is circulated to the substance or space refrigerated.

(c) Indirect refrigeration, a system in which brine cooled by the refrigerant is circulated to the substance or space refrigerated.

(d) Refrigerant is the chemical agent other than brine used to produce refrigeration.

(e) Irritant refrigerant, any refrigerant which when breathed, attacks the throat or lungs.

(f) Hydrocarbon refrigerants, any refrigerant of the hydrocarbon class.

(g) Flammable refrigerant, any refrigerant which will burn or explode when mixed with certain proportions of air.

(h) Refrigerating machinery room, a room in which is located a refrigerating system containing refrigerant, but not including expansion coils when located in cold storage rooms or expansion coils when located in refrigerator boxes.

(i) Factor of safety, the multiple three and one-third ($3\frac{1}{3}$), the product of which and the test pressure, constitutes the probable rupture pressure.

(j) Pressure imposing element, that apparatus which draws the refrigerant from the low pressure or low temperature side of the system and discharges it into the high pressure or high temperature side of the system.

(k) Pressure limiting device, a pressure or temperature responsive mechanism for automatically stopping the operation of the pressure imposing element.

(l) Brine, any liquid which having been cooled by the refrigerating system is used for the transmission of heat.

(m) Pressure relief device, a pressure relief valve, a rupture member, fusible plug or other approved device for relieving the pressure.

(n) Pressure relief valve, a valve held shut by a spring or other means to automatically relieve pressure in excess of its setting.

(o) Rupture member, a device that will automatically rupture at a pre-determined pressure.

(p) Liquid receiver, a vessel permanently connected to a system by inlet and outlet pipes for storage of a liquid refrigerant.

(q) Container, a cylinder for the shipment of refrigerant constructed to conform to the regulations of the Interstate Commerce Commission.

(r) Mixer, a vessel or device in a system for mixing the ammonia or other soluble vapor with water.

(s) Stop valve, a cut-off valve for use during normal operation.

(t) Service valve, a key-operated shut-off valve used only during shipment, installation or repairs.

(u) Fusible plug, a device having a predetermined-temperature fusible member for the relief of pressure.

§C26-235.0. Definitions.

(a) **Public Buildings.** Public buildings are structures or parts of structures in which persons congregate for civic, political, educational, religious or recreational purposes, or in which persons are harbored to receive medical,

charitable or other care or treatment, or in which persons are held or detained by reason of public or civic duty, or for correctional purposes, including among others, court houses, schools, colleges, libraries, museums, exhibition buildings, lecture halls, churches, assembly halls, lodge rooms, club houses with more than five sleeping rooms, dance halls, theatres, bath houses, hospitals, asylums, armories, fire houses, police stations, jails and passenger depots.

(b) **Residence Buildings.** Residence buildings are structures or parts of structures in which sleeping accommodations are provided, except such as may for other reasons be classed as public buildings, including multiple dwellings as defined in the Multiple Dwelling Law.

(c) **Commercial Buildings.** Commercial buildings are structures or parts of structures, which are not public buildings or residence buildings, including among others, office buildings, factory buildings, salesrooms (stores), markets, restaurants, warehouses, freight depots, car barns, stables, garages, motor vehicle repair shops, factories, laboratories, smoke houses, grain elevators, coal pockets, central station power plants and electric sub-stations.

Bonds and Fees.

§C19-24.0. Fees for Permits.

Applicants for permits under the provisions of this chapter shall pay annual fees as follows:

35. Refrigerating systems:

Class A systems.....	\$20.00
Class B systems.....	10.00
Class C systems containing over six pounds of refrigerant	5.00
Class C systems containing six pounds or less of refrigerant	1.00

Refrigerating Systems.

C19- 96.0.	Permits.
C26-214.0.	Supervision.
C19- 97.0.	Classification.
C19- 98.0.	Permissible locations.
C19- 99.0.	Refrigerating machinery rooms and ventilation.
C19-100.0.	Open flames and electrical equipment.
C19-101.0.	Testing.
C19-102.0.	Piping.
C19-103.0.	Safety devices.
C19-104.0.	Size of safety devices.
C19-105.0.	Location and discharge of safety devices.
C19-106.0.	Operating precautions.
C19-107.0.	Equipment diagrams.

§C19-96.0. Permits.

(a) Except as hereinafter provided in this article it shall be unlawful to maintain or operate a refrigerating system without a permit.

(b) A permit will not be required for a Class C system when maintained or operated in the residence portion of a dwelling containing not more than two families, or in the residence portions of either a tenement house or a business building.

(c) It shall be unlawful to maintain or operate any refrigerating system employing a refrigerant other than those specified in this article without a permit issued upon such conditions, consistent with the provisions of this article, as are deemed by the fire commissioner necessary in the interest of public safety.

NOTE:—The Fire Chief and Commissioner prescribed under date of April 4, 1934, the following:

1. That the refrigerants dichlorodifluoromethane, known as "Freon" ("Kinetic No. 12" also "F-12") CCl_2F_2 also dichlorotetrafluoroethane ("F-114") $\text{C}_2\text{Cl}_2\text{F}_4$ and monofluorotrichloromethane ("F-11") CFC_3 are non-flammable and non-irritant, unless otherwise hereinafter provided, and

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shall be regulated in accordance with the provisions of Article 18 of Chapter 19 of the Administrative Code, as such, except, when used in a room or rooms in which there is an open flame or apparatus to produce an open flame, when the provisions of said article covering irritant refrigerants shall apply.

2. That refrigerating systems employing F-11, F-12 or F-114 are restricted to parts of a building so specified in Section C19-98.0 (b) for refrigerants other than non-irritant and non-flammable.

3. That refrigerating systems employing F-11, F-12 or F-114 used for air conditioning are restricted to the indirect method except that the direct method may be used in parts of a building so specified in Section C19-98.0 (b) for refrigerants other than non-irritant and non-flammable.

4. That refrigerating systems employing F-11, F-12 or F-114 shall not be installed or maintained in or on the stairways, halls, lobbies, entrances, exits or auditoriums of any building.

5. That refrigerating systems employing F-11, F-12 or F-114, shall not be installed or maintained in a hospital, unless the entire system is confined in a fireproof machinery room, used for no other purpose, and in which no open flame shall be employed, except that the Class "C" system containing not more than 10 pounds of refrigerant may be used in a diet kitchen which shall be cut off from the rest of the building by a tight fitting self-closing door or doors and provided with a window or windows to the outside air. All open flames, and/or apparatus for producing an open flame, in diet kitchens where these refrigerants are used shall be vented to the outside air as hereinafter required in Paragraph 8.

6. That refrigerating systems employing F-11, F-12 or F-114 may be installed or maintained in a hospital private room, having tight partitions and tight fitting self-closing door or doors and where not more than two persons are helpless and/or given medical treatment, provided there is no open flame and/or apparatus for producing an open flame in such room and when the system contains not more than 10 pounds of refrigerant.

7. That a refrigerating system employing F-11, F-12 or F-114 shall not be installed or maintained in a theatre and/or motion picture theatre unless the entire system is confined in a fireproof machinery room, used for no other purpose, and in which no open flame and/or apparatus to produce such open flame shall be employed, except that Class "C" systems containing not more than ten pounds of refrigerant may be installed in a rest room, smoking room or lounging room provided in such rooms no open flame or apparatus to produce such open flame shall be employed.

8. That a refrigerating system employing F-11, F-12 or F-114 when used in a room or rooms in which there is an open flame or apparatus to produce such open flame, such open flame and/or apparatus shall be provided with a hood and independent mechanical ventilation so arranged as to convey all the products of combustion to the outside of the building. This provision shall apply only to diet kitchens of hospitals and to Class "C" systems in schools, churches, dance halls, court rooms, police stations, jails, asylums, subways, passenger depots, rooms opening into passenger depots and/or subways and such other places as are deemed by the Fire Commissioner necessary in the interest of public safety.

9. That, except for Class "C" systems located in rooms in which no open flame or apparatus to produce such flame shall be employed containing not more than ten pounds of refrigerant, each refrigerating machinery room in any building in which F-11, F-12 or F-114 are used, shall be maintained vapor-tight and provided with tight fitting, self-closing doors, in accordance with Section C19-99.0 (a).

10. That each refrigerating machinery room in which F-11, F-12 or F-114 is used, shall be adequately ventilated directly to the outside air in accordance with Section C19-99.0 (b), 1, 2, 3 and 4.

11. Test pressures and setting of safety valves for systems employing F-11, F-12 or F-114, shall be included in Section C19-101.0 as follows:

Refrigerant	Column No. 1	Column No. 2	Column No. 3
F-11	25	15	15
F-12	180	120	135
F-114	60	30	30

12. That the size of pressure relief valves for systems in which F-11, F-12 or F-114 is employed, shall be as follows:

Capacity of System	Number Required
Up to 30 tons	One ½ inch
30 to 60 "	One ¾ "
60 to 100 "	One 1 "
100 to 175 "	One 1¼ inches
175 to 250 "	One 1½ "
250 to 450 "	One 2 "
450 to 900 "	Two 2 "

13. That the storage of F-11, F-12 or F-114 shall conform with Section C19-106.0 (c)-5 for other refrigerants.

14. That all other sections or parts of Article 18 of the Administrative Code not so mentioned, shall be complied with.

15. That refrigerating systems employing F-11, F-12 or F-114, installed prior to May 19, 1932, shall be inspected, and if found to comply with the rules, or if in the opinion of the Fire Commissioner, the installations are of a non-hazardous character, a permit may be issued. Installations which have been made in hospitals, theatres, asylums and places of public assembly shall be made to comply strictly with these rules.

(d) A permit, where required, shall be applied for forty-eight hours after installation is completed, containing the name of the person for whom the system is installed and the place or location of the system.

(e) Only the refrigerant specified in the permit shall be used in the system.

(f) Refrigerating systems to which these provisions cannot be applied, may be maintained and operated subject to such conditions as are deemed necessary by the fire commissioner.

§C26-214.0. Refrigeration System Operators; Certificate of Qualification.

(a) It shall be unlawful to maintain or operate in any building any refrigerating system containing more than fifty (50) pounds of refrigerant except under the personal supervision, direction or control of either a duly licensed engineer or a person who has obtained a certificate of qualification from the superintendent to operate such a system. Where the system contains two hundred (200) pounds or less of refrigerant and is fully automatic, only one qualified operator will be required.

(b) It shall be unlawful to maintain or operate in a public building or exhibition hall any Class C system permitted for exhibition or demonstration purposes except under the personal supervision, direction or control of either a duly licensed engineer or a person who has obtained a certificate of qualification from the superintendent to operate such a system.

(c) Upon receipt of such certificate the applicant therefor shall pay an annual license fee as follows: For the initial fee \$5, and for renewal thereof the sum of \$1 provided application for such renewal be made within thirty days prior to the expiration of such certificate. Any such certificate may be revoked or suspended for cause at any time by the superintendent.

§C19-97.0. Classifications.

(a) The total amount of refrigerant common to a system operating through one or more evaporators, shall be considered the capacity of the system and determine its class.

(b) A Class A system is a system containing one thousand (1,000) pounds or over of refrigerant, or capable of thirty (30) tons capacity or over.

(c) A Class B system is a system capable of less than thirty (30) tons capacity, or containing less than one thousand (1,000) pounds of refrigerant and more than amounts provided for in a Class C system.

(d) A Class C system is a system containing not more than twenty (20) pounds of refrigerant.

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§C19-98.0. Permissible Locations.

(a) It shall be unlawful to install any Class A or Class B systems in any public building as defined by subdivision a of section C26-235.0 of the code, until plans have been filed with and approved by the fire commissioner, and no refrigerant shall be placed in the system until a permit has been obtained from the fire commissioner.

(b) The direct method of refrigeration shall not be used in any building, whether or not a permit is required for installation therein, outside of the refrigerating machinery room except in buildings used exclusively for ice making or for refrigerating purposes, or when such method is not carried above the first floor in business buildings, or in the business sections of business buildings provided the entire system is confined to one floor in the space occupied by a single tenant, or in the business section of a residence building when not carried above the first floor, or in a residence building occupied by not more than two families, or in any building provided a non-irritant and non-flammable refrigerant is used. The provisions of this subdivision shall not apply to a building in which installation was made prior to December 13, 1927.

(c) It shall be unlawful to use brine in any brine circulating system that will generate flammable vapor at a temperature below 100 degrees Fahrenheit when tested in a Tagliabue open cup tester, and no refrigerant shall be use as a brine.

(d) It shall be unlawful to install or maintain a Class A system using ammonia in any building above the first floor level unless such building is used exclusively for ice making or refrigerating purposes. The provisions of this subdivision shall not apply to a building in which installation was made prior to December 13, 1927.

(e) Systems on demonstration in exhibition halls shall be limited to the unit type containing not more than ten (10) pounds of refrigerant.

(f) It shall be unlawful to install or maintain a refrigerating system employing an irritant or inflammable refrigerant in or on:

1. The stairways, halls, lobbies, entrances, exits or auditoriums of any building;
2. Dance halls, court rooms, police stations, jails, subways, theatres, or motion picture theatres;
3. Waiting or public rooms in a railroad passenger depot or rooms opening directly therein;
4. Rooms opening directly into a subway, or theatre, or motion picture theatre, or where persons are detained or confined;
5. A school, unless the refrigerating system is used exclusively for instructions or research purposes;
6. A hospital or asylum in which persons are confined or given medical treatment or helpless. Unless otherwise required by this section, such refrigerating system shall be cut off from the building by unpierced fireproof construction.

The foregoing provisions do not apply to hermetically sealed unit system containing not more than six (6) pounds of refrigerant when located in dance halls, police stations, diet kitchens of hospitals, schools, or laboratories, and when located in rooms shut off from the rest of the building by tight partitions and tight-fitting, solid, self-closing doors and located in a room having a window to the outside air.

(g) An intermittent absorption type of refrigerating machine shall not be permitted in a Class A system. Such a type of machine shall be permitted in a Class B system only when a heating medium of low pressure steam is used in its operation.

(h) The use of methyl and ethyl chloride, sulphur dioxide, or a hydro-carbon refrigerant will not be permitted in Class A systems.

(i) A Class B system using ethyl chloride or a hydro-carbon refrigerant shall not be installed or maintained in the Borough of Manhattan or in other built-up sections of the city. Elsewhere, it shall be installed or maintained only in a fireproof building of not more than one story in height, and shall be located on the ground floor, which shall be of

unpierced fireproof construction. The refrigerating machinery room shall be cut off from the rest of the building by unpierced fireproof walls of not less than eight inches (8") of brick or six inches (6") of reinforced concrete. Direct exit therefrom leading to the open air and not to any other part of the building shall be maintained and shall be provided with vapor-tight, self-closing, fireproof doors.

§C19-99.0. Refrigerating Machinery Rooms and Ventilation.

a. Refrigerating machinery rooms.

1. All refrigerating machinery rooms in which an irritant refrigerant is used shall be maintained vapor-tight except that all doors which open to other parts of the building shall only be required to be self-closing and close fitting, and shall be kept closed at all times, except during entrance or exit. All other openings that may permit the passage of vapor to other parts of the building shall be vapor-tight and kept closed. No opening from elevator shafts shall be permitted in the refrigerating machinery room. This provision, however, shall not apply to dumb-waiter shafts the door openings of which are protected with self-closing fire doors or to a system containing less than six (6) pounds of refrigerant. Closets solely contained within and opening only into the refrigerating machinery room shall be considered as part of the room in which it opens.

2. In Class A and Class B systems in which an irritant refrigerant is used, the doors of the refrigerating machinery rooms shall open outwardly.

b. Ventilation.

1. Each Class A, B and C refrigerating machinery room of any system shall be independently provided with means for adequate ventilation to the outer air. The ventilation shall consist of a window or windows opening directly to the open air, or mechanical means capable of exhausting the foul air from the room.

2. When a window or windows are used, if placed in opposite walls so as to provide a through air circulation to the outer air, a total area of inlet and outlet, respectively, of not less than that specified in Column D of the table in subdivision 4 shall be provided. When a window or windows are placed in one wall a total area shall be provided not less than that specified in Column E of such table.

3. When mechanical means are used they shall consist of a power-driven exhaust fan of the enclosed case blower type which shall be capable of removing from the refrigerating machinery room the amount of air specified in Column B of the table in subdivision 4. The inlet to the fan shall be located near the refrigerating equipment. The outlet from the fan shall terminate not less than six (6) feet above the sidewalk and in no case under a stairway or fire escape. Where air ducts are used on either the inlet or discharge side of the fan they shall each have an area not less than that specified in Column C of such table. Sharp bends in the run of the ducts shall be avoided. The control for such mechanical means of ventilation shall be easily accessible and located outside of the refrigerating machinery room.

4.

	Pounds of Refrigerant in System	Mechanical Cu. Ft. per Minute Discharge	Window Area Mechanical Sq. Ft. Duct Area	in Sq. Ft. for each Opposite Side	Window Area in Sq. Ft. for One Side Only
	A	B	C	D	E
Up to . . .	20	150	$\frac{1}{4}$	1	6
	50	250	$\frac{1}{3}$	$1\frac{1}{2}$	12
	100	400	$\frac{1}{2}$	2	16
	150	550	$\frac{2}{3}$	$2\frac{1}{2}$	19
	200	680	$\frac{2}{3}$	3	25
	250	800	1	$3\frac{1}{2}$	29
	300	900	1	4	32
	400	1,100	$1\frac{1}{4}$	$4\frac{1}{2}$	38
	500	1,275	$1\frac{1}{4}$	5	42

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600	1,450	1½	6	45
700	1,630	1½	6½	48
800	1,800	2	7	51
900	1,950	2	7½	55
1,000	2,050	2	8	59
1,250	2,350	2¼	9	68
1,500	2,800	2½	11	78
1,750	3,150	3	12½	87
2,000	3,500	3½	14	95
2,500	4,150	4	16	113
3,000	4,500	4½	18	130
4,000	6,000	6	24	167
5,000	7,500	7½	30	204
6,000	9,000	9	36	241
7,000	10,500	10½	42	278
8,000	12,000	12	48	315
9,000	13,000	13	52	342
10,000	14,000	14	56	360
12,000	17,000	17	68	425
14,000	19,000	19	75	470
16,000	22,000	22	86	540
18,000	24,000	24	92	580
20,000	26,500	26	100	630
25,000	33,000	33	121	760
30,000	39,000	39	142	870
35,000	44,000	44	155	940
40,000	51,000	51	176	1,060
45,000	56,000	56	190	1,120

Note—Door openings leading directly to the open air shall be considered equivalent to windows for the requirements specified in columns "D" and "E" of this table.

5. Where a non-irritant or non-flammable refrigerant is employed, the requirements as given in the table in subdivision 4 may be reduced by one-half. When air or water is employed as the refrigerant no ventilation shall be required.

6. In lieu of mechanical means of ventilation in refrigerating machinery rooms where a Class A system or a Class B system using ammonia is installed, a water deluge may be provided which shall consist of a sprinkler system having open heads of not less than one-quarter inch (¼") orifice spaced not more than eight feet apart in any direction, and such system shall be located above all the refrigerating apparatus and piping in the refrigerating machinery room. Not more than one head shall be installed on a ¾-inch pipe; five heads on a 1-inch pipe; six heads on a 1¼-inch pipe. The deluge system shall be permanently connected with the main house supply or other assured source from which a constant water pressure of not less than twenty pounds per square inch can be maintained on the inlet side of the main control valve or valves at all times. The control valve or valves for such water deluge system shall be manually operated and easily accessible, and shall be labeled and located outside of the refrigerating machinery room.

§C19-100.0. Open Flames and Electrical Equipment.

a. Open flames.

No fire-flame or arc light will be permitted in a Class A or B refrigerating machinery room in which a flammable refrigerant is used.

b. Electrical equipment.

1. All Class A and B refrigerating systems containing more than fifty (50) pounds of refrigerant shall have an emergency switch controlling all of the electrically-operated refrigerating machinery or the remote control of such a switch located outside of the refrigerating machinery room where it can be quickly reached and operated in case of necessity.

2. Where the operating mechanism in any system is dependent upon electrical control, such control in a pressure limiting device shall be on a closed circuit. Nothing herein contained shall require a hand reset on an automatic type of refrigerating machine.

§C19-101.0. Testing.

Every part of any refrigerating system, except pressure gauges and control mechanism shall be tested to at least the following pressures: Class A and B systems containing over fifty (50) pounds of refrigerant shall be tested after installation and proved tight before being operated. A dated declaration of such test, signed by the tester, shall be posted in the machinery room.

Refrigerant	Col. 1 High Pressure Side	Col. 2 Low Pressure Side	
		With Safety Valves	Without Safety Valves
Carbon dioxide	1,500	750	1,000
Ethane	1,050	520	760
Ammonia	300	150	225
Propane	250	115	175
Methyl chloride	155	80	120
Sulphur dioxide	135	100	100
Iso-butane	90	45	70
Butane	75	35	50
Ethyl chloride	30	15	25
Dichloromethane	12	12	12
Dichloroethylene	12	12	12
Trichloroethylene	12	12	12

§C19-102.0. Piping.

a. Piping.

1. All piping, liquid receivers or vessels containing the refrigerant, shall be supported on or by strong and durable materials. This provision shall not apply to Class C installations.

2. The arrangement of stop valves, relief devices, and other similar devices, when used shall be as shown on the diagram for Class A and B systems in section C19-107.0 of the code.

3. Every system which may be charged after installation shall have the charging connection located on its low pressure side.

b. Gauge glasses.

Liquid level gauge glasses, except those of the bull's eye type, shall have automatic closing shut-off valves and such glasses shall be adequately protected against injury by slotted metal casings.

§C19-103.0. Safety Devices.

a. Construction and setting.

1. Pressure relief valves, pressure limiting devices and rupture members shall be set to prevent the pressure from exceeding the test pressure. The pressure at which the device is set to function shall be indicated thereon. (See section C19-101.0 of the code, columns 1 and 2 of table.)

2. Fusible plugs shall relieve the pressure at a temperature not exceeding 280 degrees Fahrenheit.

b. Use of stop valves.

1. It shall be unlawful to locate a stop valve between a pressure relief device or pressure limiting device and the part of the system protected thereby, unless two pressure relief devices of required size are used, and so arranged that only one pressure relief device can be cut off for repair purposes at any one time.

2. A Class B system in which no stop valves are used and in which the pressure will equalize throughout the system when the pressure imposing element is not in operation may be protected by only one pressure relief device located on the high pressure side.

c. Ammonia mixer.

1. The low pressure side of a Class A ammonia system shall be provided with a hand-operated valve for discharging the ammonia into water through a mixer to the sewer in case of emergency.

2. The ammonia mixer shall be constructed of steel and shall be capable of withstanding a pressure of at least fifty (50) pounds per square inch.

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3. It shall be unlawful to locate a valve in the ammonia emergency discharge line, except for the manually-operated valve discharging into the water and ammonia mixer, but there may be one stop valve located inside the building for repair purposes only. This valve shall be sealed open and labeled "Keep Open."

4. The manually operated pressure relief valve shall be located in a locked box which can be opened by members of the Fire Department by means of a Fire Department key. The door of the box shall be on the public thoroughfare side of the building in an easily accessible location and not less than eighteen (18) inches or more than five (5) feet above the sidewalk level. The box shall be permanently labeled with letters of not less than one (1) inch reading "For Fire Department Use Only." The relief valve shall be labeled "Ammonia." A sign shall be posted within the box reading "Do Not Open Valve Until Water Is Flowing."

5. A single standard three (3) inch fire department connection shall be provided through which the necessary water may be supplied to the mixer. The fire department connection shall be located near the box and not less than eighteen (18) inches or more than twenty-four (24) inches above the sidewalk level and shall be permanently labeled having letters not less than one (1) inch high reading "To Ammonia Mixer." A check valve so set as to prevent gases from reaching the fire department connection shall be installed in the water line between the fire department connection and the water and ammonia mixer.

6. The fire department shall have sole use of the mixer and supply the necessary water.

7. In systems using over twenty-seven thousand (27,000) pounds of ammonia there shall be provided one additional water and ammonia mixer for each twenty-seven thousand (27,000) pounds of ammonia or fraction thereof so used in excess.

8. The ammonia mixer and its connection for a Class A system shall conform to the diagram in section C19-107.0 of the code.

§C19-104.0. Size of Safety Devices.

(a) The size of pressure relief valves shall be as follows:

Capacity of System	CO ₂ and Ethane, No. Req., Size	Other Refrigerants, No. Req., Size
Up to 30 tons.....	1—1½"	1—1½"
30 to 60 tons.....	1—1½"	1—¾"
60 to 100 tons.....	1—1½"	1—1"
100 to 175 tons.....	1—1½"	1—1¼"
175 to 250 tons.....	1—¾"	1—1½"
250 to 450 tons.....	1—1"	1—2"
450 to 900 tons.....	.....	2—2"

(b) Where rupture members are permitted and used, the equivalent area of the relief valve specified must be provided.

(c) Fusible plugs may be used on all Class C systems and on all Class B systems of the hermetically sealed compression type containing not more than fifty (50) pounds of refrigerant. The free discharge opening shall be one-sixteenth (1/16) inch in diameter.

§C19-105.0. Location and Discharge of Safety Devices.

a. Location.

A pressure limiting device shall be provided on the high pressure side of each water-cooled refrigerating system containing more than six (6) pounds of refrigerant. A pressure relief valve shall be provided on the high pressure side of each water-cooled refrigerating system containing twenty (20) pounds or more of refrigerant, but it shall not be necessary to discharge the refrigerant to the outside air or water tank from any such refrigerating system containing fifty (50) pounds or less of refrigerant, any other provision of part 1, of this title, to the contrary notwithstanding.

b. Location and discharge of safety devices.

1. Each compressor or generator of a Class A or B system containing more than 100 pounds of refrigerant shall be protected by a pressure relief valve connected into the high pressure side between the main stop valve and the compressor or generator to relieve excessive pressure as hereinafter provided.

2. A rupture member may be substituted for the relief valve in CO₂ systems or systems operating below atmospheric pressure.

3. Shell type apparatus such as liquid receivers, condensers, evaporators, liquid separators and absorbers of Class A and Class B systems containing more than fifty (50) pounds of refrigerant, and Class B systems containing fifty (50) pounds or less of refrigerant which can be shut off by stop valves, shall each be equipped with a pressure relief valve, discharging as hereinafter provided.

4. Class C systems and Class B systems containing fifty (50) pounds or less of refrigerant so constructed that, when subjected to abnormal outside temperature such as that generated in a fire, they may burst due to the expansion of the refrigerant, shall be protected by a pressure relief device.

5. A pressure relief valve shall be required on the low pressure side of a Class B system into which the relief valve or valves on the high pressure side discharge, as so shown on equipment diagram of section C19-107.0 of the code.

c. Discharge of pressure relief valve.

1. Where ammonia is used in Class A systems, the discharge from relief valves must be conducted to the outside atmosphere or into that part of the low pressure side protected by the mixer as specified in subdivision C, of section C19-103.0 of the code. If it is discharged to the outside atmosphere it must be piped above the roof or not less than 12 feet above the grade. The discharge pipe shall be not less than the size of the relief valve outlet. The discharge from more than one relief valve may be run into a common header, the area of which shall be equal to the area of the pipes connected thereto. The outlet orifice shall be turned downward.

2. Where more than fifty (50) pounds of ammonia is used in a Class B system, the discharge from relief valves shall be piped to the outside atmosphere as specified for Class A systems, or to the low pressure side as shown in diagrams in section C19-107.0 of the code, or into a tank of water which shall be used for no purpose except ammonia discharge. At least one gallon of fresh water shall be provided for every pound of ammonia contained in the system. The water used shall be prevented from freezing without the use of salt or chemicals. The tank shall be substantially constructed of not less than one-eighth (1/8) of No. 11 U. S. gauge iron. No horizontal dimensions of the tank shall be greater than one-half (1/2) the height. The tank shall have a hinged cover or, if of the enclosed type, shall have a vent hole at the top. All pipe connections shall be through the top of the tank only. The discharge pipe from the pressure relief valves shall discharge the ammonia in the center of the tank near the bottom. The tank shall be as securely supported as any other portion of the system. There shall be no opening in the tank below the water level.

3. Where more than fifty (50) pounds of any refrigerant other than ammonia is used, the discharge from relief valves shall be to the atmosphere as specified for Class A ammonia systems. Carbondioxide may be discharged into the room if the same contains at least 10 cubic feet of capacity per pound of refrigerant used.

4. Arrangements of pressure relief devices for Class A and B systems shall conform to the diagrams in section C19-107.0 of the code.

§C19-106.0. Operating Precautions.

a. Masks and helmets.

1. In a Class A system which operates above atmospheric pressure, there shall be provided at least two helmets or masks.

2. In a Class B system in which more than fifty (50)

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pounds of ammonia, sulphur dioxide or other irritant refrigerant is used, there shall be provided at least one helmet or mask.

3. Only helmets or masks that have been approved by the United States Bureau of Mines as suitable for the refrigerant employed shall be used, and they shall be kept in operative condition in an easily accessible case or cabinet located immediately outside the refrigerating machinery room.

b. Signs.

1. On Class A and Class B systems containing more than fifty (50) pounds of refrigerant there shall be painted on and affixed in a permanent manner to the main steam control, main electrical and remote control switches, receivers, containers and shell type coolers, signs having letters not less than one and one-half inches (1½") high, designating the part and refrigerant contained therein.

2. The seller of every Class A or B system shall furnish the purchaser with a sign bearing his name at least 8½" by 11" in size, which gives the rated refrigeration capacity and the quantity and kind of refrigerant required for the satisfactory operation of the system. The purchaser shall conspicuously and permanently display this sign in the machinery room. The quantity and name of the proper refrigerant content and the rated refrigeration capacity shall be stamped on all Class C systems near to or on the name plate.

3. The following information shall be posted in Class A and B machinery rooms where over fifty (50) pounds of refrigerant is used: (a) The names and addresses of the engineers or operators in charge; (b) Location of nearest fire alarm box; (c) The name, address and telephone number of physician to be called in case of emergency; (d) Instructions for safely shutting down the plant in case of emergency.

c. Storage of refrigerant.

1. Refrigerant not contained in the refrigerating system shall be stored only in non-inflammable or non-irritant containers conforming to the regulations prescribed by the Interstate Commerce Commission for the transportation of such refrigerant.

2. Only two containers holding not more than a total of three hundred (300) pounds of inflammable or irritant refrigerant shall be stored in a refrigerating machinery room of a Class A system.

3. Only one container holding not more than one hundred and fifty (150) pounds of inflammable or irritant refrigerant shall be stored in a refrigerating machinery room of a Class B system.

4. In a Class C system no refrigerant other than that used in the system shall be stored in the refrigerating machinery room.

5. If a greater amount of inflammable or irritant refrigerant than that permitted in a refrigerating machinery room is desired, it shall be stored in a fireproof building or enclosure used for no other purpose.

6. When the refrigerant is withdrawn from a system it shall be discharged only into a suitable absorbent or containers conforming to the regulations of the Interstate Commerce Commission for the transportation of such refrigerant. It shall be unlawful to permit any refrigerant to escape into the refrigerating machinery room.

7. Containers shall be connected to the system only during period of charging or withdrawing the refrigerant.

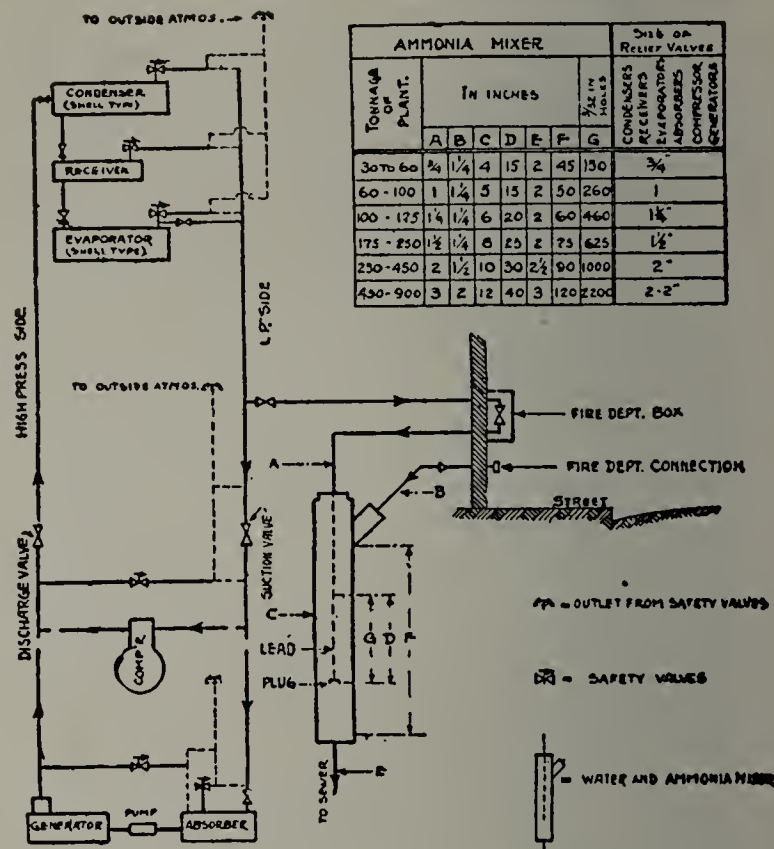
§C19-107.0. Equipment Diagrams.

(See arrangement of pressure relief devices for Class A and Class B equipment.)

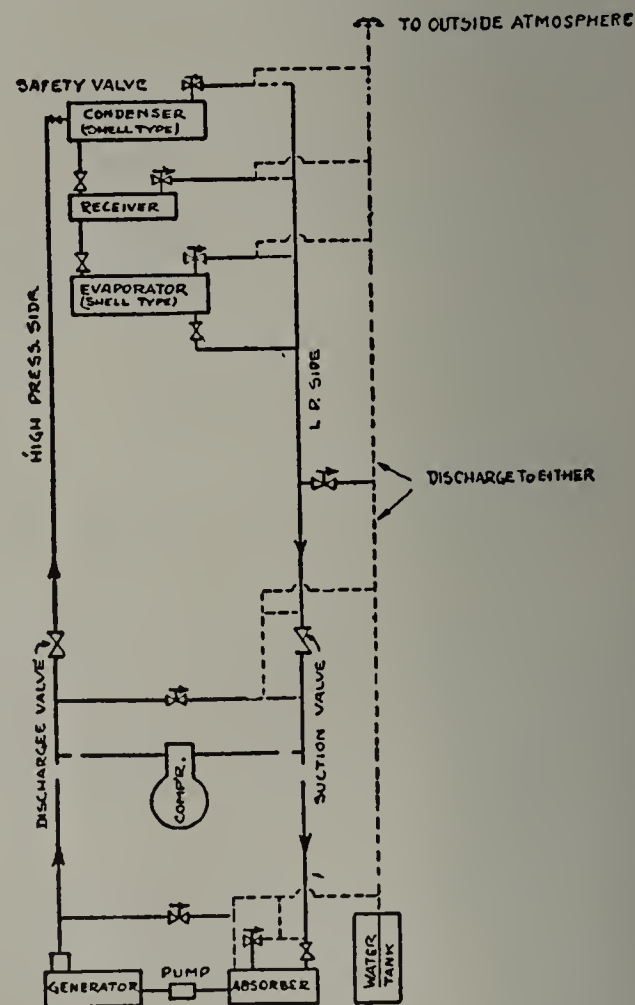
Penalties.

§C19-152.0. Violations.

Any person who shall willfully violate or neglect or refuse to comply with any provisions of part 1, of this title, except the provisions of article twenty-six, in addition to any other penalties prescribed by law, shall, upon conviction, be punished by a fine of not more than \$500, or by imprisonment not exceeding six months, or by both.



ARRANGEMENT OF PRESSURE RELIEF DEVICES
FOR
CLASS 'A' EQUIPMENT
SECTION C19-107.0



ARRANGEMENT OF PRESSURE RELIEF DEVICES
FOR
CLASS 'B' EQUIPMENT
SECTION C19-107.0

RULES

Fire Drill Rules, Adopted By the Board of Standards and Appeals, October 5, 1923

(593-23-SR)

DEFINITION OF "FIRE DRILL."

The method and practice of the systematic and orderly vacating of a building by its occupants in case of emergency, panic or fire in the least possible time—by the nearest safe means of exit—and the use of fire appliances which shall be provided for the extinguishing or retarding of fire and the safeguarding of human life.

Rule 1.

In all buildings as defined in Article 1, Section 10 of the Labor Law in which fire drills are required pursuant to Section 279 thereof and in any other building in which such drills are required by the Fire Commissioner pursuant to the power conferred in section 491 of the New York City Charter, it shall be the duty of the owners, lessees or tenants to conduct fire drills monthly and at such other times as the Fire Commissioner may direct.

For the purpose of conducting such fire drills the owner or tenant shall appoint from among their employees such responsible and dependable persons, male or female, who shall efficiently perform the duties of the various positions of the fire drill organization, as specified on the accompanying chart.

It shall be the duty of the owner or tenant to enter in the blank spaces provided for that purpose in said chart the names of persons so selected and post said chart and copies of the rules in a conspicuous place.

FIRE DRILL ORGANIZATION

Premises

Name of concern

Building No.....Story.....

FOREMAN OR PERSON IN CHARGE

Regular

Substitute

WATCHMAN

MALE SEARCHER

FEMALE SEARCHER

STREET ALARM BOX RUNNER

FIRE BRIGADE

EXIT GUARDS

Exit.....

"

"

"

"

"

SQUAD MONITORS

.....Squad No. 1.....

..... " " 2.....

..... " " 3.....

..... " " 4.....

..... " " 5.....

..... " " 6.....

Rule 2. Duties of Foreman.

The Foreman or Person in Charge shall direct, enforce and have full charge of the "Fire Drill" in every factory on each floor. Each day before work is begun he shall see that extinguishers, fire hose, fire buckets, etc., are in readiness for use, exit doors are unlocked, aisles are free from obstruction, that stairways, halls, etc., are properly lighted, and shall remedy any dangerous condition found to exit. Immediately after work is commenced he shall check up the Fire Drill Organization list and note if the regularly assigned persons are present; if any are found to be absent, he shall assign other employees (if practicable) to perform their duties.

He shall immediately notify new employees of the existence of the Fire Drill Organization and give them the necessary instructions as to the duties they are to perform, etc.

He shall be familiar with the operation and location of the interior alarm signal box on his floor.

He shall listen for the test signal each morning at the appointed hour and in the event of the test signal not being heard he shall communicate with the superintendent or other person in charge of the building and advise him of the fact. The (Floor Captains) Foreman's orders are final as to the carrying out of the fire drill on his particular floor.

Rule 3. Duties of Watchmen.

The WATCHMEN shall see that all doors and windows are closed so as to prevent the spread of fire. The WATCHMEN shall be the only persons permitted to remain on the floor during the progress of a fire drill and do so at their own risk. For ordinary purposes only one watchman and a substitute shall be designated. In special cases, however, extra watchmen may be assigned by consent in writing from Fire Commissioner.

Rule 4. Duties of Searchers.

The MALE AND FEMALE SEARCHERS shall search all toilets, dressing rooms and emergency rooms used and frequented by their sex and all other portions of the floor and order all persons, except those authorized to remain, to leave the premises. They are to take care of and assist all persons who may faint or be disabled.

SEARCHERS shall leave the floor immediately after the last squad leaves.

Rule 5. Duties of Street Alarm Box Runner.

The STREET-ALARM-BOX-RUNNER shall be familiar with the location of the nearest city fire alarm box and know how it is operated.

In ordinary practice fire drills the STREET-ALARM-BOX-RUNNER shall report to the Foreman for orders, and if his services are not required he shall promptly file out of the premises with the other occupants.

Only when a fire actually occurs on his floor, or when ordered to do so by the Foreman, shall the STREET-ALARM-BOX-RUNNER proceed to the street alarm box and send in the fire alarm.

RULES

Rule 6. Duties of Fire Brigade.

The fire brigade shall have full charge of the operation of all auxiliary fire fighting apparatus and shall endeavor to extinguish, or at least hold in check until the arrival of the fire department, any fire that may occur. When it is necessary for the fire brigade to respond to different floors in the building they shall not use the stairways or fire escapes while the occupants are escaping from the premises.

Rule 7. Duties of Exit Guards.

The EXIT GUARDS shall station themselves at all exit doors leading to fire escapes, stairways and other means of escape immediately upon the sounding of the alarm. There shall be two guards for each exit, if practicable; one to stand in the hallway holding back the door and the other directly inside on the floor. They are to keep the exit doors open and direct the movements of the persons using these exits and prevent congestion.

EXIT GUARDS shall remain at their stations until all of the occupants of the building have passed their station. Then close their doors and pass out of the building. Upon signal for the occupants to return, EXIT GUARDS shall take their designated stations and remain there until all persons have returned to their respective floors.

Rule 8. Duties of Squad Monitors.

The SQUAD MONITORS, as soon as the alarm is sounded, shall see that the employees under their charge quickly form into line, two abreast, and numbering not more than thirty to each squad. They shall see that all aisles and passageways are cleared of obstructions.

Note: Chairs, stools, baskets, etc., should be pushed under or placed on top of work benches.

MONITORS shall proceed at the head of their respective squads to the exit assigned, and then march up or down the stairs or to other exits as directed by the EXIT GUARDS.

On reaching the sidewalk MONITORS shall keep their squads in order and lead them a reasonable distance from the building, so as not to cause congestion and interference with fire apparatus. When the proper signal is given they shall return to their respective floors at head of their squads.

MONITORS will at all times see that those under their charge conduct themselves in a respectable and orderly manner.

Rule 9. Holding of Drills.

FIRE DRILLS shall be held at least once each month at varied hours of the day, and all of the occupants shall participate therein simultaneously. Such drills shall conduct all occupants to a place of safety.

Where dual operation interior fire alarm systems are installed as permitted under Rule 11 of the interior fire alarm rules of the Board of Standards and Appeals, the fire drill conducted each month shall include all of the persons on the premises engaged at work for a factory,

and drills shall be conducted at least twice each year in which all of the persons on the premises shall participate simultaneously.

Rule 10. Duties of Owner.

It shall be the duty of the OWNER, LESSEE OR TENANT OF THE BUILDING or his authorized agent or their representatives to personally observe that the "Fire Drill" is held simultaneously on every floor of the building and the participation therein of every occupant of such building. Any FIRE DRILL in which all of the occupants do not participate shall not be considered as complying with the LAW, except as otherwise provided in these rules.

The person or persons representing the OWNER, LESSEE OR TENANT, who supervises the FIRE DRILL at the building shall submit to an examination by the Division of Fire Prevention as to their experience and general fitness for such duties, and shall be so certified in writing by the FIRE COMMISSIONER.

Rule 11. Duties of Engineer.

It shall be the duty of the ENGINEER, SUPERINTENDENT or other PERSON IN CHARGE of a building having an interior fire alarm system to test such system daily immediately after the beginning of business, and to see that all apparatus operated by springs requiring winding are rewound after each alarm and kept in normal condition for operation.

Whenever it is necessary to test the fire alarm system at any other time of the day, owing to repairs, etc., being made, the PERSON IN CHARGE OF BUILDING will first notify all Foremen of the several floors of the intended test and likewise notify them when the repairs, etc., are completed. This precaution is taken to prevent confusion and excitement, also misunderstanding of the alarm signals.

It shall also be the duty of the PERSON IN CHARGE OF BUILDING to sound the interior alarm system at irregular intervals, but not less than once each calendar month, for the purpose of holding practice fire drills. He shall keep on the premises a record of such drills showing the date when held and the required time for all occupants to reach the street or a point of safety outside the building.

The PERSON IN CHARGE OF BUILDING must immediately acquaint new tenants of the existence of the "Fire Drill" Organization and its purport.

Rule 12. Registration.

The name and address of every person, corporation or co-partnership, that will, under professional service, carry on the trade, business or calling of establishing, maintaining or supervising the "Fire Drill" shall be registered in the Fire Department, which Department shall, upon evidence of fitness, grant a certificate to that effect.

NOTICE

Copies of the Official Directory of the City of New York for the year 1943 (The Little Green Book), containing the latest authentic information in relation to City, State and Federal Departments, Bureaus, Offices and

Courts, are now on sale at the office of the Supervisor of the City Record, Room 2213, Municipal Building, Manhattan. Price 50 cents; by mail, five cents per copy must be added for postage.

BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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No. 38

DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1000 to 1018.
TELEPHONE—WOrth 2-5600.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.
Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET

New Cases Filed up to September 14, 1943.

- | <i>Cal. No.</i> | <i>Dept.</i> | <i>Premises Affected</i> |
|-----------------|--------------|---|
| 433-43-A | H.B.M. | 387-393 Fourth avenue and 101-113 East 27th street, northeast corner (basement and 1st floor); (Block 883, Lot 1), Borough of Manhattan, Alt. 99-43. |
| 434-43-A | F.D. | 136-146 41st street, south side, 240 ft. east of First avenue (Block 716, Lot 20), Borough of Brooklyn, 95460-L.C. |
| 435-43-A | F.D. | 420-444 West 110th street, south side, 200 ft. east of Amsterdam avenue and 115-143 West 109th street (Block 1864, Lot 9), Borough of Manhattan, 35445-L.C. and Decision. |
| 436-43-BZ | H.B.B. | 820-834 Euclid avenue and 1136-1138 Loring avenue, southwest corner (Block 4505, Lots 1 and 7), Borough of Brooklyn, Alt. 1161-43 and Alt. 1162-43. |
| 437-43-BZ | H.B.M. | 421-429 West 54th street, north side, 30 ft. west of Ninth avenue (Block 1064, Lots 16, 17 and 18), Borough of Manhattan, Decision re Certificate of Occupancy. |
| 438-43-A | H.B.B. | 820-834 Euclid avenue and 1136-1138 Loring avenue, southwest corner (Block 4505, Lots 1 and 7), Borough of Brooklyn, Alt. 1161-43 and Alt. 1162-43. |
| 439-43-A | H.B.M. | 349 West 37th street, north side, 150 ft. east of Ninth avenue (Block 761, Lot 7), Borough of Manhattan, Alt. 646-43 and Amendment. |
| 440-43-A | H.B.Q. | 43-16 Queens street, west side, 150 ft. south of Jackson avenue (Block 266, Lot 28), Long Island City, Borough of Queens, Misc. 2014-43, Decision and Applic. 1147-43. |
| 441-43-A | F.D. | 140-142 Metropolitan avenue, south side, 52 ft. 9 in. west of Berry street (Block 2364, Lot 19), Borough of Brooklyn, 9425-L.F. |

442-43-A—F.D.—Re Marketing of Inflammable Mixture known as "Cat's Paw Rubber Cement" in one gallon tin containers (lithograph label on containers not in conformity with Administrative Code requirements), Folder No. 22-480.

Restored to Calendar.

- 198-20-BZ—H.B.Bx.—2653 Webster avenue, west side, 151.03 ft. south of East 195th street (Block 3277, Lot 36), Borough of The Bronx, Alt. 267-43.
- 679-25-S—H.B.M.—5 West 30th street, north side, 150 ft. west of Fifth avenue (Block 832, Lot 36), Borough of Manhattan, Alt. 52-43.
- 476-42-A—F.D.—2553-2563 Atlantic avenue and 30-48 Alabama avenue, northwest corner (Block 3666, Lot 31), Borough of Brooklyn, 90624-L.C. and Decision.

527-42-A—F.D.—667-675 Washington street and 271-281 West 10th street, northeast corner (7th floor); (Block 631, Lot 1), Borough of Manhattan, 35042-L.C.

592-42-S—H.B.M.—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan, Alt. 805-42.

593-42-A—H.B.M.—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan, Alt. 805-42.

43-43-A—H.B.M.—121-127 West 46th Street, north side, 275 ft. west of Sixth avenue (Block 999, Lot 19), Borough of Manhattan, B. N. 3697-40.

115-43-S—H.B.Q.—21-10 49th avenue, southeast corner of 21st street (1st floor); (Block 71, Lot 1), Long Island City, Borough of Queens, Misc. Applic. 407-43.

203-43-A—F.D.—East side of 81st street, north of Ditmars boulevard, Seaplane Hangar No. 2 (Block 926), LaGuardia Field, Jackson Heights, Borough of Queens, Decision.

319-43-S—F.D.—515-521 Greenwich street and 309-317 Spring street, northeast corner (2nd and 5th floors); (Block 597, Lot 1), Borough of Manhattan, Decision.

327-43-A—F.D.—382 Metropolitan avenue, south side, 118 ft. east of Havemeyer street (Block 2369, Lot 14 and parts of Lots 12, 15, 16 and 17), Borough of Brooklyn, 94413-C and Decision.

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

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Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

SEPTEMBER 21, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 21, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

258-35-BZ—Application of Henry C. Brucker, applicant, on behalf of Octagon Laundry, Inc., owner, reopened July 27, 1943, re amendment to resolution—re Application, previously granted on condition, under section 7b of the zoning resolution, permitting the extension from a business use district into a residence use district, of an existing wet wash laundry and the erection, partly in a business use district and partly in a residence use district, of a proposed garage for more than five motor vehicles as an accessory to the laundry; premises 2120-2124 Menahan street (rear), south side, 185.96 ft. east of Grandview avenue (Block 3373, Lot 18), Ridgewood, Borough of Queens.

637-39-BZ—Application of J. G. L. Molloy, applicant, on behalf of Shell Oil Co., Inc., owner, reopened July 13, 1943, under sections 7f and 7c of the zoning resolution, to permit in a retail use district, for a term of years, the parking of more than five motor vehicles, upon part of an existing gasoline service station; which gasoline service station was previously extended by the Board; premises 63-56 Austin street and 91-39 63rd drive, southwest corner (Block 3103, Lot 43), Rego Park, Borough of Queens.

404-43-BZ—Application, August 16, 1943, under sections 7c and 21 of the zoning resolution of Charles A. Dunker, applicant on behalf of Taverna Coal Co., owner, to permit in a residence use district, the erection and maintenance of a building to be used as an office and garage for four (4) motor vehicles to be used in conjunction with the existing coal yard on the site; premises 51-67 Manee avenue, east side, 531.78 ft. south of Amboy road and 52-56 Bayview avenue (Block 6751, Lot 284), Princes Bay, Borough of Richmond.

406-43-BZ—Application, August 17, 1943, under section 7c of the zoning resolution, of Alfred H. Eccles, applicant on behalf of American Ice Co., owner, to permit partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building used as an ice manufacturing plant, to a factory for the fabrication of plastics and also, the alteration and the erection of an additional intermediary story within the present envelope of the building; premises 223-01 Northern boulevard and 43-29 223rd street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens.

Appeal from Administrative Decision.

407-43-S—223-01 Northern boulevard and 43-29 223rd street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

SEPTEMBER 21, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, September 21, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions.

191-43-A—15 West 77th street and Central Park West at 79th street (Block 1130, Lot 1), Borough of Manhattan.

12-43-A—679 Broadway, west side, 25 ft. south of West 3rd street (Block 532, Lot 10), Borough of Manhattan.

658-42-A—45 Roebling street, southeast corner of North 9th street (Block 2314, Lot 5), Borough of Brooklyn.

448-43-A—36-40 37th street, west side, 349.50 ft. north of 37th avenue (Block 636, Lot 43), Long Island City, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

SEPTEMBER 28, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 28, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

138-43-BZ—Application, March 30, 1943, under section 7f of the zoning resolution of Lama and Proskauer, applicants on behalf of Amijo Realty Corporation, owner, to permit partly in a business use and partly in an unrestricted use district for a term of two years, the parking and storage of more than five motor vehicles (buses); premises 92-12 60th avenue and 60-03 to 60-11 92nd street, southeast corner (Block 1876, Lot 7), Forest Hills, Borough of Queens.

663-42-BZ—Application, September 8, 1942, under sections 7e and 21 of the zoning resolution, of Jacob Beller, applicant, on behalf of Henrietta Coopersmith, owner (Annie Oakley, lessee), to permit in a residence use district, for a term of two years, the conversion of occupancy of an existing frame structure, to a stable for more than five horses and also, as a riding academy; premises 90-17 71st avenue and 70-67 to 70-79 Walnut street, northwest corner (Block 3899, Lot 1), Forest Hills, Borough of Queens.

282-35-BZ—Application of Paul Friedman, applicant, on behalf of Bay Parkway Holding Corporation, owner (Empire Chevrolet, Inc., lessee), reopened July 20, 1943, under section 7f of the zoning resolution, to permit in a business use district, for a term of five years, the conversion of occupancy of the use of the premises as office, five car garage and auto laundry to office, lubritorium, auto laundry and gasoline service station; premises 1159-1167 Utica avenue and 5002-5010 Clarendon road, southeast corner (Block 4771, Lot 1), Borough of Brooklyn.

82-43-BZ—Application of James A. Boyle, applicant, on behalf of Louis L. Ahlers and Mary Fromer, owners (Celtic Circle, Inc., Sheepshead Bay Unit No. 1, lessee),

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reopened and restored to calendar, July 20, 1943, under section 7c of the zoning resolution, to permit partly in a residence use and partly in a business use district, the erection of a grandstand for an athletic field, the use of which is primarily for business purposes (previously dismissed for lack of prosecution); premises 1232-1254 Avenue Z and 2602-2644 East 13th street, southwest corner and 2601-2649 Homecrest avenue (Block 7457, Lots 1 and 15), Borough of Brooklyn.

Appeal from Administrative Decision.

184-43-A—1232-1254 Avenue Z and 2602-2644 East 13th street, southwest corner (Block 7457, Lots 1 and 15), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman*

SEPTEMBER 28, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon, September 28, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

910-39-A—107-111 Myrtle avenue, north side, 21 ft. west of Bridge street (Block 143, Lot 30), Borough of Brooklyn (reopened July 13, 1943).

52-43-A—645-669 73rd street, north side, 203 ft. 8 in. west of Seventh avenue and 656-674 72nd street (Block 5911, Lot 31), Borough of Brooklyn.

47-43-A—3064 Brighton 4th street, west side, 124 ft. north of Brighton Beach avenue (Block 7284, Lot 1260), Borough of Brooklyn.

709-42-A—199 Broadway, north side, 25 ft. 5¼ in. west of Washington Plaza (Block 2444, Lot 92), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 5, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning, October 5, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Zoning Applications.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

1051-27-BZ—Application of Lama and Proskauer, applicants, on behalf of Rutland Parkway, Inc., owner (Sinclair Oil Refining Co., lessee), reopened December 1, 1942, under sections 7c and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of an auto laundry (located upon an existing gasoline service station) to a motor vehicle repair shop and, also, the inclusion of parking and storage of more than five motor vehicles; premises 724-740 Ralph avenue and 81-101 East 98th street, northwest corner (Block 3530, Lot 1), Borough of Brooklyn.

437-43-BZ—Application, September 8, 1943, under section 7c of the zoning resolution, of Bernhard A. Abrashkin, applicant, on behalf of 421-429 West 54th Street Corporation, owner, to permit in a residence use district, the conversion of occupancy of a building occupied as a garage for more than five motor vehicles and service station to a factory; premises 421-429 West 54th street, north side, 30 ft. west of Ninth avenue (Block 1064, Lots 16, 17 and 18), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 5, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon, October 5, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

364-43-A—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

369-43-A—1764-1768 and 1770 Circumferential parkway, northwest corner of Bay 37th street (Block 6942, Lots 17 and 92), Borough of Brooklyn.

382-43-A—150 Ocean parkway, west side, 395 ft. south of Caton avenue (Block 5328, Lot 30), Borough of Brooklyn.

255-43-A—28-53 216th street, north side, 477.32 ft. east of 28th avenue (Block 6019, Lot 1), Bayside, Borough of Queens (under section 35, General City Law—re bed of mapped street—29th avenue).

385-43-A—150-01 Union Turnpike, northeast corner of 150th street (Block 6712, Lots 16 and 17), Flushing, Borough of Queens (under section 35, General City Law re bed of mapped street—150th street).

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 13, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Wednesday afternoon, October 13, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Appeal from Administrative Decision.

615-42-A—1680 Broadway, east side, 104 ft. south of West 53rd street (Block 1024, Lot 38), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 19, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning, October 19, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Zoning Application.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

HARRIS H. MURDOCK, *chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, SEPTEMBER 14, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

The minutes of the regular meetings of the Board held on Tuesday morning, July 27, 1943, and Tuesday afternoon, July 27, 1943, as recessed to Friday, July 30, 1943, at 10 A. M., were approved as printed in Bulletin Nos. 31 and 32, Vol. 28.

ZONING CASES

282-35-BZ

APPLICANT—Paul Friedman, for Bay Parkway Holding Corp., owner (Empire Chevrolet, Inc., lessee).

SUBJECT—Application reopened July 20, 1943 (decision of the borough superintendent) under section 7f of the zoning resolution, to permit in a business use district, for a term of five years, the conversion of occupancy of the use of the premises as office, five car garage and auto laundry to office, lubricatorium, auto laundry and gasoline service station.

PREMISES AFFECTED—1159-1167 Utica avenue and 5002-5010 Clarendon road, southeast corner (Block 4771, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Paul Friedman.

For Opposition: Michael Angelestio and Philip Holzweber.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to September 28, 1943, at 10 A. M., for further consideration by the Board.

177-42-BZ

APPLICANT—Lama and Proskauer, for John F. McKenna, owner.

SUBJECT—Application reopened October 27, 1942 (decision of the borough superintendent) under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A. of the Zoning Resolution.

PREMISES AFFECTED—582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: James F. Toohy and others.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to October 5, 1943, at 10 A. M., for decision by the Board. No further argument.

663-42-BZ

APPLICANT—Jacob Beller, for Henrietta Coopersmith, owner (Annie Oakley, lessee).

SUBJECT—Application (decision of the acting borough superintendent) under sections 7e and 21 of the zoning resolution, to permit in a residence use district, for a term of two years, the conversion of occupancy of an existing frame structure, to a stable for more than five horses and also, as a riding academy.

PREMISES AFFECTED—90-17 71st avenue and 70-67 to 70-69 Walnut street, northwest corner (Block 3899, Lot 1), Forest Hills, Borough of Queens.

APPEARANCES—

For Applicant: Irving Coopersmith and Henrietta Coopersmith Becker.

For Opposition: Victor D. Borst, Jr., George E. Polhemus and Gabriel Deschamps.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to September 28, 1943, at 10 A. M., for decision by the Board. No further argument.

82-43-BZ

APPLICANT—James A. Boyle, for Louis L. Ahlers and Mary Fromer, owners (Celtic Circle, Inc., Sheepshead Bay Unit No. 1, lessee).

SUBJECT—Application reopened July 20, 1943 (decision of the borough superintendent) under section 7c of the zoning resolution, to permit partly in a residence use and partly in a business use district, the erection of a grandstand for an athletic field, the use of which is primarily for business purposes (previously dismissed for lack of prosecution).

PREMISES AFFECTED—1232-1254 Avenue Z and 2602-2644 East 13th street, southwest corner and 2601-2649 Homecrest avenue (Block 7457, Lots 1 and 15), Borough of Brooklyn.

APPEARANCES—

For Applicant: P. L. Scilliano, Edward A. Tamm, James Ferrante, Frank J. Meehan, Lieutenant and Brock and Seaman Sam Ligan.

For Opposition: Mrs. Stone, George Gobes, John Sundell, Frank Sildo, Gus Hill and Edward Hoffman, Dep't of Parks.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to September 28, 1943, at 10 A. M., for further consideration by the Board. No further argument.

198-20-BZ

APPLICANT—Henry Nordheim, for Maresca Co., Inc., owner.

SUBJECT—Application for consideration—reopening and amendment to resolution (decision of the acting borough superintendent) under section 7c of the zoning resolution, to permit in a business use district, the inclusion of a motor vehicle repair shop in a public garage (previously acted upon by the Board).

PREMISES AFFECTED—2653 Webster avenue, west side, 151.03 ft, south of East 195th street (Block 3277, Lot 36), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry Nordheim and L. Maresca.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

MINUTES

877-39-BZ

APPLICANT—George A. Shapiro, for Max Kahn, owner (Family Laundry Service, Inc., lessee).

SUBJECT—Application for consideration—reopening and amendment of resolution as to a new proposal—re Application (decision of the borough superintendent) previously granted on condition, under section 7c of the zoning resolution, permitting in a residence use district the erection and maintenance of a pit for a pre-heating water coil, used in conjunction with an existing laundry and also, the maintenance of an existing frame shed.

PREMISES AFFECTED—1059-1063 63rd street, north side, 140 ft. west of 11th avenue and 1062-1064 62nd street (Block 5730, Lot 32), Borough of Brooklyn.

APPEARANCES—

For Applicant: George A. Shapiro.

ACTION OF BOARD—Request to reopen withdrawn on request of applicant.

THE VOTE TO WITHDRAW REQUEST TO RE-OPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

187-43-BZ

APPLICANT—Irving B. Vigdor, for Max Aronson, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete—re Application (decision of the acting borough superintendent) under section 7i of the zoning resolution, permitting in a business use district the conversion of occupancy of an existing building, to a motor vehicle repair shop.

PREMISES AFFECTED—1677 Jerome avenue, west side, 250 ft. north of Featherbed lane (Block 2861, Lot 34), Borough of The Bronx.

APPEARANCES—

For Applicant: Irving B. Vigdor.

ACTION OF BOARD—Request to reopen withdrawn on request of applicant.

THE VOTE TO WITHDRAW REQUEST TO RE-OPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

31-35-BZ

APPLICANT—Whitlock Building Corp., owner.

SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the borough superintendent) under section 7i of the zoning resolution, permitting in a business use district, the alteration and change of occupancy of an existing building to a motor vehicle repair shop, for a term of two years.

PREMISES AFFECTED—1506 Jerome avenue, east side, 55.36 ft. north of East 172nd street (Block 2846, Lot 4), Borough of The Bronx.

APPEARANCES—

For Applicant: Leon Cohn.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (31-35-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in a business district, the alteration and change of occupancy of an existing building to a motor vehicle repair shop, affecting premises 1506 Jerome avenue, east side, 55.36 ft. north of East 172nd street (Block 2846, Lot 4), Borough of The Bronx, was granted by the Board April 23, 1935, on certain conditions, for a temporary period of two years; the term of the permit extended January 4, 1938 and July 15, 1941; and

WHEREAS, the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of April 23, 1935, as amended through July 15, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7i for a temporary term of two (2) years from the date of this *amended* resolution, to permit the existing building to be occupied as a motor vehicle repair shop *on condition . . .*"

416-38-BZ

APPLICANT—Emanuel H. Jerebek, for Josephine Pokorny, owner.

SUBJECT—Application for consideration—reopening and extension of permit re two-car metal garage—re Application (decision of the borough superintendent) under sections 7a and 21 of the zoning resolution, permitting in a business use district the extension and conversion of occupancy of an existing building to a garage for more than five motor vehicles and also a motor vehicle repair shop.

PREMISES AFFECTED—162-42 to 162-44 Pidgeon Meadow road (Fresh Meadow road), west side, 235.23 ft. north of Laburnum avenue (Block 5461, Lots 44, 46, 47 and 49), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Joseph Lubin.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (416-38-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in a business use district, the extension and conversion of occupancy of an existing building to a garage for more than five motor vehicles and, also, a motor vehicle repair shop, premises 162-42 to 162-44 Pidgeon Meadow road (Fresh Meadow road), west side, 235.23 ft. north of Laburnum avenue (Block 5461, Lots 44, 46, 47 and 49), Flushing, Borough of Queens, was granted by the Board October 18, 1938, on certain conditions; resolution amended December 13, 1938, February 21, 1939, October 10, 1939, February 14, 1940 and September 23, 1941, and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amended* the resolution of October 18, 1938, as amended through September 23, 1941, only in so far as it has reference to the temporary use of the two car metal garage, so that as amended this portion of the resolution shall read:

"that in the event the owner desires to retain the building formerly used as a two-car metal garage on the premises to the north, such building may be permitted for a term of two (2) years from the date of this *amended* resolution, provided such building is used solely for the storage of household goods and tools and in no way connected with the operation of the gasoline station and garage."

MINUTES

866-38-BZ

APPLICANT—Ralph A. Santoro, The Lafayette National Bank of Brooklyn, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the borough superintendent) under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—21-23 to 21-33 31st street, east side, 225 ft. south of 21st avenue (Block 831, Lots 20 to 24, inclusive), Astoria, Borough of Queens.

APPEARANCES—

For Applicant: Ralph A. Santoro.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (866-38-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district, for a temporary period of not more than two years, the parking and storage of more than five motor vehicles, affecting premises 21-23 to 21-33 31st street, east side, 225 ft. south of 21st avenue (Block 831, Lots 20 to 24, inclusive), Astoria, Borough of Queens, was granted by the Board April 18, 1939, on certain conditions, the time to obtain permits and complete work extended September 19, 1939, permit extended April 15, 1941, and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of April 18, 1939, as amended through April 15, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h for a term of two (2) years from the date of this *amended* resolution, to permit . . ."

297-39-BZ

APPLICANT—Ervin Palmer, for Wilson and Co., Inc., owner (H. Chazen, Inc., lessee).

SUBJECT—Application, for consideration—reopening and extension of permit—re Application (decision of the borough superintendent), under section 21 of the zoning resolution, permitting in a business use district, the conversion of occupancy of an existing building to a motor vehicle repair shop.

PREMISES AFFECTED—842 First avenue and 400 East 47th street, southeast corner (Block 1358, part of Lot 47), Borough of Manhattan.

APPEARANCES—

For Applicant: Ervin Palmer.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (297-39-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop, affecting premises 842 First avenue, and 400 East 47th street, southeast corner (Block 1358, Lot 47), Borough of Manhattan, was granted by the Board July 18, 1939, on certain conditions, for a temporary period of two

years, permit extended May 27, 1941, and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 18, 1939, as amended through May 27, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7i for a term of two years from the date of this *amended* resolution, for occupancy as a motor vehicle repair shop consisting mainly of brake testing, *on condition* . . ."

627-39-BZ

APPLICANT—Henry C. Brockman, for Gulf Oil Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete—re Application (decision of the borough superintendent) under section 7c of the zoning resolution, permitting in a business use district, the parking and storage of more than five motor vehicles, on an existing gasoline service station.

PREMISES AFFECTED—2642-2666 Fulton Street, 37-43 Pennsylvania avenue, southeast corner and 108-112 New Jersey avenue (Block 3670, Lot 18), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (627-39-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting in a business use district, the parking and storage of more than five motor vehicles, on an existing gasoline service station, affecting premises 2642-2666 Fulton street, 37-43 Pennsylvania avenue, southeast corner and 108-112 New Jersey avenue (Block 3670, Lot 18), Borough of Brooklyn, was granted by the Board on April 6, 1943, on certain conditions and the applicant requested an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of April 6, 1943, only in so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that in view of the statement by the applicant that a substantial portion of the work has been completed, all permits shall be obtained and all work completed within six (6) months from the date of this *amended* resolution."

1261-39-BZ

APPLICANT—H. C. Brockman, for Gulf Oil Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete—re Application (decision of the borough superintendent) under section 7c of the zoning resolution, permitting partly in a business use district and partly in a residence use district, the parking and storage of more than five motor vehicles upon a plot occupied as a gasoline service station.

PREMISES AFFECTED—2701-2711 Fort Hamilton parkway, and 1358-1368 Prospect avenue, northwest corner (Block 5284, Lot 64), Borough of Brooklyn.

MINUTES

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (1261-39-BZ)

WHEREAS, this application, under section 21 of the zoning resolution, to permit partly in a business use district and partly in a residence use district, for a temporary period of two years, the parking and storage of more than five motor vehicles in conjunction with an existing gasoline service station, affecting premises 2701-2711 Ft. Hamilton parkway and 1358-1368 Prospect avenue, northwest corner (Block 5284, Lot 64), Borough of Brooklyn, was withdrawn on September 10, 1940; and

WHEREAS, the applicant requested a reopening of the application and rehearing under section 7c of the zoning resolution; and

WHEREAS, this application was reopened by vote of the Board on May 26, 1942, and granted on February 9, 1943, on certain conditions and the applicant requested an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of February 9, 1943, only in so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that in view of the statement by the applicant that all permits have been obtained and a portion of the work completed, all permits required shall be obtained and all work completed within six (6) months from the date of this *amended* resolution."

463-41-BZ

APPLICANT—Henry C. Brockman, for Gulf Oil Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete—re Application (decision of the borough superintendent) under section 7c of the zoning resolution, permitting partly in a business use and partly in a residence use district, the parking and storage of more than five motor vehicles; upon a plot occupied as a gasoline service station.

PREMISES AFFECTED—618-628 Jamaica avenue and 1 Hale avenue, southeast corner (Block 3905, Lots 3 and 5), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (463-41-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting partly in a business use and partly in a residence use district, the parking and storage of more than five motor vehicles, upon a plot occupied as a gasoline service station, affecting premises 618-628 Jamaica avenue and 1 Hale avenue, southeast corner (Block 3905, Lots 3 and 5), Borough of Brooklyn, was granted by the Board on May 19, 1942, on certain conditions and the applicant requested an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of May 19, 1942, only in so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that in view of the statement by the applicant that part of the work has been completed, all permits shall be obtained and all work completed within six (6) months from the date of this *amended* resolution."

586-41-BZ

APPLICANT—Gabriel Nathan, for Fadisuru Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business and residence use district, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—311-315 Beach 44th street, west side, 75.33 ft. north of Rockaway Beach boulevard and 308-314 Beach 45th street, east side, 53.22 ft. north of Rockaway Beach boulevard (Block 368, Lot 7 and part of Lot 1), Far Rockaway, Borough of Queens.

APPEARANCES—

For Applicant: Gabriel Nathan and Anton Armheiter.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (586-41-BZ)

WHEREAS, this application, under section 7h of the zoning resolution, permitting in a business and residence use district, the parking and storage of more than five motor vehicles affecting premises 311-315 Beach 44th street, west side, 75.33 ft. north of Rockaway Beach boulevard and 308-314 Beach 45th street, east side, 53.22 ft. north of Rockaway Beach boulevard (Block 368, Lot 7 and part of Lot 1), Far Rockaway, Borough of Queens, was granted by the Board July 17, 1941, on certain conditions, time extended on November 18, 1941, and applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 17, 1941, as amended on November 18, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h for a term of two years from the date of this *amended* resolution, to permit the seasonal parking and storage of more than five motor vehicles, *on condition* . . ."

654-41-BZ

APPLICANT—Max Horn, for Nessim Heffez, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a residence use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—106-116 Beach 87th street, northeast corner of Ocean drive (now known as Shore front parkway); (Block 662, Lot 5), Rockaway Beach, Borough of Queens.

MINUTES

APPEARANCES—

For Applicant: Mrs. Max Horn.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (654-41-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a residence use district for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 106-116 Beach 87th street, northeast corner of Ocean drive (now known as Shore front parkway); (Block 662, Lot 5), Rockaway Beach, Borough of Queens, was granted by the Board on August 6, 1941, on certain conditions, time extended on July 23, 1942, and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of August 6, 1941, as amended on July 23, 1942, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h thereof for a term of two years from the date of this *amended* resolution, to permit the plot to be occupied for the parking and storage of more than five motor vehicles, *on condition* . . ."

656-41-BZ

APPLICANT—Clayton G. Shirkey, for Seaside Improvement Co., owner (Phil Addison, lessee).

SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—100-02 to 100-10 Rockaway Beach boulevard, northwest corner of Beach 100th street (Block 585, Lot 1), Rockaway Beach, Borough of Queens.

APPEARANCES—

For Applicant: Clayton G. Shirkey.

For Administration: Fred Dahlem, Dep't of Housing and buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (656-41-BZ)

WHEREAS, this application, under section 7h of the zoning resolution, permitting in a business use district, for a temporary period of two years, the parking and storage of more than five motor vehicles affecting premises 100-02 to 100-10 Rockaway Beach boulevard, northwest corner of Beach 100th street (Block 585, Lot 1), Rockaway Beach, Borough of Queens, was granted by the Board August 6, 1941, on certain conditions, time extended on July 23, 1942 and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of August 6, 1941, as amended on July 23, 1942, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h for a term of two years from the date of this *amended* resolution, to permit the premises to be occupied for the parking and storage of more than five motor vehicles, *on condition* . . ."

1032-41-BZ

APPLICANT—Max Horn, for Jacob Liebowitz, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete—re Application (decision of the borough superintendent) under section 7h of the zoning resolution, permitting in a residence use district for a term of two years, the parking and storage of more than five motor vehicles and the maintenance of a one-car (non-accessory) garage.

PREMISES AFFECTED—175 Beach 72nd street, west side, 259 ft. south of Rockaway Beach boulevard (Block 608, Lot 69), Arverne, Borough of Queens.

APPEARANCES—

For Applicant: Mrs. Max Horn.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (1032-41-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a residence use district for a term of two years, the parking and storage of more than five motor vehicles and the maintenance of a one-car (non-accessory) garage, affecting premises 175 Beach 72nd street, west side, 259 ft. south of Rockaway Beach boulevard (Block 608, Lot 69), Arverne, Borough of Queens, was granted by the Board on June 16, 1942, on certain conditions and the applicant requested an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of June 16, 1942, only in so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that in view of the statement by the applicant that all work has been done except obtaining a Curb Cut Permit and Certificate of Occupancy, all permits required shall be obtained and all work completed within three months from the date of this *amended* resolution."

206-42-BZ

APPLICANT—Mrs. Albert Buerkle (lessee), Henry Hiller, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete—Application (decision of the borough superintendent) previously granted on condition, under section 7f of the zoning resolution, permitting in a retail use district, the parking and storage of not over twenty motor vehicles, in addition to the legally existing gasoline service station.

PREMISES AFFECTED—91-02 63rd drive, northeast corner of Alderton street (Block 3104, Lot 208), Rego Park, Borough of Queens.

APPEARANCES—

For Applicant: Mrs. Albert Buerkle.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (206-42-BZ)

WHEREAS, this application under section 7f of the zoning resolution, permitting in a retail use district, the parking and storage of not over twenty motor vehicles, in addition

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to the legally existing gasoline service station, affecting premises 91-02 63rd drive, northeast corner of Alderton street (Block 3104, Lot 208), Rego Park, Borough of Queens, was granted by the Board on October 14, 1942, on certain conditions and the applicant requested an extension of time to complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of October 14, 1942, only in so far as it has reference to the completion of the work, so that as amended, this portion of the resolution shall read:

"that in view of the statement by the applicant's representative that all permits required have been obtained and all work completed, except the issuance of a Certificate of Occupancy, such certificate shall be obtained within two months from the date of this *amended* resolution."

514-42-BZ

APPLICANT—Arthur H. Haaren, for Pennsylvania Railroad Co., owner (Kesbec Inc., lessee).

SUBJECT—Application for consideration—reopening and extension of time to complete—re Application (decision of the borough superintendent) previously granted on condition under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PPREMISES AFFECTED—39-11 to 39-33 Skillman avenue, north side, 100 ft. east of 39th street (Block 183, part of Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: J. M. Coker.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gun... 4

Negative 0

THE RESOLUTION (514-42-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 39-11 to 39-33 Skillman avenue, north side, 100 ft. east of 39th street (Block 183, part of Lot 1), Long Island City, Borough of Queens, was granted by the Board on February 16, 1943, on certain conditions and the applicant requested an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of February 16, 1943, only in so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that all permits shall be obtained and all work completed within six months from the date of this *amended* resolution."

793-42-BZ

APPLICANT—John C. Wandell, for Carmine and Marie Imbraile, owners.

SUBJECT—Application for consideration—reopening and extension of time to complete—re Application (decision of the borough superintendent) under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—20-30 Bay Ridge avenue, south side, 233 ft. 8½ in. west of Narrows avenue (Block 5868, Lot 18), Borough of Brooklyn.

APPEARANCES—

For Applicant: John C. Wandell.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (793-42-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 20-30 Bay Ridge avenue, south side, 233 ft. 8½ in. west of Narrows avenue (Block 5868, Lot 18), Borough of Brooklyn, was granted by the Board on June 8, 1943, on certain conditions and the applicant requested an extension of time to complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of June 8, 1943, only in so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that in view of the statement by the applicant that all work has been completed, except obtaining of the Certificate of Occupancy, all permits required shall be obtained, all work completed and the Certificate of Occupancy obtained within two months from the date of this *amended* resolution."

APPEALS FROM ADMINISTRATIVE DECISIONS

184-43-A

APPLICANT—James A. Boyle, for Louis L. Ahlers, owner (Celtic Circle, Inc., Sheepshead Bay Unit No. 1, lessee).

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1232-1254 avenue Z and 2602-2644 East 13th street, southwest corner (Block 7457, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: P. L. Scilliano, Edward A. Tamm, James Ferrante, Frank J. Meehan, Lieutenant Bock and Seaman Sam Ligan.

For Opposition: Mrs. Stone, George Gobes, John Sundell, Frank Soldo, Gus Hill and Edward Hoffman, Dep't of Parks.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to September 28, 1943 at 10 A. M., for further consideration by the Board. No further argument.

332-43-A

APPLICANT—Joseph M. Lonergan, for Harry J. Hoffman, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—77-52 74th street, west side, 89 ft. north of 78th avenue (Block 3811, Lot 29), Glendale, Borough of Queens.

APPEARANCES—

For Applicant: Joseph M. Lonergan.

For Opposition: Mr. and Mrs. Fred Spirake.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

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ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (332-43-A)

WHEREAS, Joseph M. Lonergan, for Harry J. Hoffman, owner, filed June 30, 1943 an appeal from a decision of the borough superintendent, affecting premises 77-52 74th street, west side, 89 ft. north of 78th avenue (Block 3811, Lot 29), Glendale, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated June 17, 1943 on Alt. Applic. 823-43 reads:

"1. Size of pigeon coop and screen as proposed can not be considered as an accessory to a dwelling located in a residence use zone. (Sec. 1p, and Sec 3, sub. 9, BZR)."

and

WHEREAS, the applicant states that the building is 2 stories (30 ft.) in height, 20 ft. by 60 ft. in area, located in a residence use, D area district and occupied as a two family dwelling; and

WHEREAS, Violation 984-43 was issued April 19, 1943 for changing the size of pigeon coop previously erected under Misc. Applic. 4419-42; and

WHEREAS, the applicant contends that a pigeon coop, 5 ft. by 5 ft. by 5 ft. in size, was erected, pursuant to a permit issued by the borough superintendent; that the limitation on size was made by reason of an alleged rule of the superintendent of buildings; that subsequently the owner was requested by the Pigeon Owners' Association to breed pigeons for the U. S. Signal Corps and increased the size of the coop to 5 ft. by 5 ft. by 16 ft. with a screen in front of approximately the same size; that the owner then applied to the borough superintendent for a permit for alteration of the coop and this permit was denied on the grounds that the coop was illegal by reason of its size; that the applicant was informed by the borough superintendent that a rule was adopted by him, holding that pigeon coops should be limited to 5 ft. by 5 ft. by 5 ft. in size and that a larger coop would not be granted, and it is therefore requested that the Board reverse the decision of the borough superintendent, as being made without authority of law; and

WHEREAS, the premises were inspected by a committee of the Board; and

WHEREAS, the report of the Committee of the Board reads as follows:

REPORT OF COMMITTEE

September 14, 1943.

Re: Cal. 332-43-A

Premises, 77-52 74th Street,
Glendale, Queens.

This is an appeal from the decision of the Borough Superintendent, refusing a permit for a structure already erected upon the roof of a two-story, two-family dwelling, in a residence use district for the keeping of pigeons as not a permitted accessory use.

As a recognition that the keeping of pigeons may be deemed a proper accessory use in a residence use district within reasonable limitations, the Borough Superintendent granted a permit for a frame pigeon coop, 5 ft. by 5 ft. by 5 ft., but placed no limitation as to the number of pigeons that should be kept or whether they should be confined within the coop without the privilege of free flight. Without a permit, the coop was enlarged so that the present size of coop and screened-in yard is 5 ft. by 5 ft. by 15 ft. plus a coop 16 ft. by 3 feet, by 5 feet. Statements vary as to the number of pigeons, but it is stated by the owner of the house on the adjoining lot, who complains of the noise and dirt,

that there are about 50. When the Committee of the Board inspected the premises, it appeared that at that time there were about 30.

There is no law governing the keeping of pigeons other than the regulations of the Department of Health and the Multiple Dwelling Law, under which certain breeds of pigeons may be kept upon the roof of a multiple dwelling. The Multiple Dwelling Law is a State Enactment, but subject to City Ordinance or requirements that may be more strict. In any event, the Multiple Dwelling Law may be disregarded as it has no application to a two-family dwelling. The Zoning Resolution, however, must be considered as controlling the use. Under it, if the keeping of pigeons is carried on as a business, it would definitely be unlawful in a residence use district. As an accessory use, the keeping of domestic animals within reason is permitted but should not be permitted in numbers as will be deemed tantamount to a business use or where a large number, and consequently greater noise and dirt, is not in harmony with the beneficial protection which a residence use district affords. Proximity of neighbors' dwellings emphasizes the problem. We are dealing with a city, not a suburban condition, where dwellings are generally spaced not far apart.

It is the opinion of the Committee that the decision should be modified to the effect that the number of pigeons should not exceed 15 and that they be confined within the coop at all times and not be allowed at large, and that as an accessory use in a residence use district, the keeping of pigeons should not be carried on as a business. In arriving at this conclusion, the Committee recognizes that not to permit the pigeons freedom of flight will be an unsatisfactory condition to the owner, particularly as he claims to be rendering a service to the war effort. If this is a controlling desire, the solution is simple—he can locate within a business use area. However, if a nuisance exists, even where a customary accessory use is carried on, the matter should be dealt with under the local health provisions, which should be sufficient protection against the keeping of offensive birds or animals. In no event should the coop be located so as to be unduly offensive to neighbors, particularly where the pigeon coop is erected on the roof and the neighboring houses are close and have legal windows above the height of the roof on which the pigeons are kept.

(Sgd.) HARRIS H. MURDOCK,
Chairman.

BERNARD A. SAVAGE,
Commissioner.

CHARLES M. BLUM,
Commissioner.

JOHN E. GUNN,
Deputy Fire Chief.

Resolved, that the decision of the borough superintendent, re Alt. Applic. 823-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted* in accordance with the recommendation contained in the report of the Committee and that in all other respects all laws, rules and regulations applicable to the building and occupancy shall be complied with.

346-43-A

APPLICANT—Frank C. Keller, for Mae B. McDowell,
owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

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PREMISES AFFECTED—87-86 188th street, west side, 100 ft. north of Hillside avenue (Block 9960 [1007], Lot 56 [1]), Hollis, Borough of Queens.

APPEARANCES—

For Applicant: Frank C. Keller.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

THE RESOLUTION (346-43-A)

WHEREAS, Frank C. Keller, for Mae B. McDowell, owner, filed on July 7, 1943, an appeal from a decision of the borough superintendent, affecting premises 87-86 188th street, west side, 100 ft. north of Hillside avenue (Block 9960 [1007], Lot 56 [1]), Hollis, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated June 29, 1943 on Alt. Applic. 127-43, reads:

"1. The use of the above located premises, said premises being a residence district, for a commercial stable is contrary to Article 2, Section 2, of the Building Zone Resolution."

and

WHEREAS, the applicant states that the building is 1½ stories (17 ft.) in height; 30 ft. by 64.2 ft. in area; of Class 4 construction; erected prior to 1901; located in a residence use, F area district and used as a stable; and

WHEREAS, Violation No. 245-43, was issued January 28, 1943, for maintaining a stable without a certificate of occupancy; and

WHEREAS, the applicant contends that the stable was used for delivery purposes prior to 1916; that no certificate of occupancy has been issued, since there was no requirement to obtain one prior to 1916; that in order to obtain a permit from the Health Department under its new rules relating to the operation of stable Alt. Applic. 127-43 was filed for the purpose of obtaining a certificate of occupancy; that such alteration application was accompanied by a number of affidavits stating that the stable was used for delivery purposes prior to July, 1916; that the stable is shown existing since 1901 on Sanborne and other Atlases; that in addition to the affidavits filed with the Borough Superintendent, a copy of a survey filed with this appeal, compiled from a survey dated July 25, 1913 made by Erlandson and Crowell, city surveyors, and in addition thereto, there is filed with and made part of this appeal, an affidavit of George Reiz, to the effect that the stable in question was used for stable and horses prior to 1916; and

WHEREAS, these premises were inspected by a committee of the Board; and

WHEREAS, the report of the Committee of the Board reads:

REPORT OF COMMITTEE

September 14, 1943

Re: Cal. 346-43-A.

Premises 87-86 188th street, Hollis, Queens.

The building in question is of frame construction and was formerly occupied in conjunction with a three-story frame hotel and restaurant that was erected prior to zoning and existed until 1934, when it was demolished to be replaced by a gasoline service station, variance for which was granted by the Board under Cal. No. 147-34-BZ. The entire plot, under one ownership until 1934 or thereabouts, had a frontage of 75 ft. along Hillside avenue and 150 ft. along 188th street (formerly known as Flushing avenue and Holliswood avenue). The front portion, only to a depth of 100 ft. is occupied by the gasoline station, leaving the premises in question with a frontage of 50 ft. and a depth of 75 ft., on which there

exists the frame building now occupied as a riding stable for more than five horses. Since 1916, this portion of the plot has been within the residence use district while the portion of the lot formerly occupied by the frame hotel and now by the gasoline station has been since 1916 in a business use area.

It is claimed that the building in question should be classified as having a lawfully existing, non-conforming use as a stable for more than five horses and that the present use as a riding stable should be permitted to continue by virtue of the alleged use of the building for the stabling of horses prior to July 25, 1916.

No evidence of such a use having been permitted prior to 1916 can be found in the records of the Department of Housing and Buildings or the Department of Health, both of which Departments have jurisdiction in their respective fields under the law. The record in the Department of Housing and Buildings since 1916 does not record any permit for a stable.

In 1934, an application was filed for plumbing and the applicant was required to "file proof of a riding academy in a residence F district." The record does not indicate that any such proof was filed but the plumbing proposed was permitted on the mistaken assumption that the stable use was recognized by this Board when granting the zoning variance for the gasoline station under Cal. No. 147-34-BZ on the front portion of the lot. The first permit for stabling horses appears to have been issued by the Department of Health in November, 1924, for 18 horses, and it should be noted that contrary to present practice, no effort was made by the Department of Health at that time to ascertain whether the use had been lawfully permitted under the Zoning Resolution or the Building Code.

A survey has been filed and a photostat of a page from an atlas, purporting to establish the use as a stable prior to 1916 because of the designation of the building indicated thereon as a "barn." Records of the Department of Taxes and Assessments classify it as a "shed."

In the opinion of the Committee, the use of the structure was originally as an accessory to the former hotel, where horses and wagons may have been temporarily parked and no stable use existed until unlawfully permitted by virtue of a permit, No. 2297, issued by the Department of Health on November 1, 1924. Since that date until December 31, 1942, it has been more or less continuously occupied as at present as a riding stable under Department of Health permits. The lawfulness of such occupancy was apparently not questioned by the Department of Housing and Buildings until a violation was placed against the premises for occupancy without a Certificate of Occupancy. Upon the filing of Alteration Application 127-1943, for a Certificate of Occupancy, the application was denied after perusal of the available records and after an informal hearing was held, at which testimony was taken.

This appeal is taken from the denial of the Borough Superintendent to issue a Certificate of Occupancy, and there appears to be no basis to justify the granting of this appeal to override the decision of the Borough Superintendent, reached after a thorough investigation.

(Sgd.) HARRIS H. MURDOCK,
Chairman,

BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

JOHN E. GUNN,
Deputy Fire Chief.

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and

WHEREAS, the law permits the owner to apply for a Zoning Variance for consideration on its merits.

Resolved, that the decision of the borough superintendent as to Alt. Applic. 127-43, be and it hereby is *affirmed* and that the appeal be and it hereby is *denied*.

330-37-A

APPLICANT—Catherine E. Woods, for Clarence Woods, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re Appeal from a decision of the commissioner of buildings.

PREMISES AFFECTED—171-36 109th avenue, south side, 80 ft. west of 172nd street (Block 1276, Lot 3), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Catherine E. Woods.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (330-37-A)

WHEREAS, this appeal from a decision of the commissioner of buildings, affecting premises 171-36 109th avenue, south side, 80 ft. west of 172nd street (Block 1276, Lot 3), Jamaica, Borough of Queens, was granted by the Board on July 13, 1937, on certain conditions, permit extended on September 17, 1940, and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of September 17, 1940, only in so far as it has reference to the term of the permit, so that as amended, the resolution shall read:

"Resolved, that the decision of the commissioner of buildings be and it hereby is *modified* and the appeal be and it hereby is *granted*, for a term of three years from the date of this *amended* resolution, permitting the building under appeal to be occupied as a convalescent home, on condition that there shall be constructed a fire escape balcony with a 45-degree fire escape stair to grade, giving access thereto through the westerly windows of the bedrooms, and that a similar stair shall be constructed from the roof of the open porch on the east end of the building so as to give second means of exit from the easterly bedroom; that no patient shall be housed above the second story; that the attic floor shall be used for sleeping quarters for attendants only; that approved portable fire extinguishers shall be maintained on each floor as the commissioner shall direct; that the number of occupants and the conduct of the premises shall be subject to the approval of the Department of Hospitals; that in the event an oil burner shall be installed, such burner shall meet all the requirements of the Oil Burner Rules of the Board of Standards and Appeals and the burner shall be installed in a room with fire-retarded walls and ceiling, all openings leading thereto equipped with self-closing, fireproof doors, and that said room shall be separated from the balance of the cellar; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct."

Adjourned: 1:15 P. M.

JOSEPH J. DOYLE, Chief Clerk.

REGULAR MEETING

TUESDAY AFTERNOON, SEPTEMBER 14, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

APPEALS FROM ADMINISTRATIVE DECISIONS

910-39-A

APPLICANT—George D. McManus, President, McManus Laboratories, Inc., lessee for All Purpose Gold Corp., owner.

SUBJECT—Appeal reopened July 13, 1943—re appeals from an order and a decision of the fire commissioner—amendment of resolution, previously granted on condition.

PREMISES AFFECTED—107-111 Myrtle avenue, north side, 21 ft. west of Bridge street (Block 143, Lot 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: Theodore C. Lester.

ACTION OF BOARD—Laid over to September 28, 1943, at 2 P. M. for further consideration by the Board.

615-42-A

APPLICANT—Iceland Restaurant Corporation (lessee), for Trustees of Columbia University, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1680 Broadway, east side, 104 ft. south of West 83rd street (Block 1024, Lot 38), Borough of Manhattan.

APPEARANCES—

For Applicant: Dean Ramy.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to October 13, 1943, at 2 P. M. for further consideration by the Board.

709-42-A

APPLICANT—First Ventures Corporation, owner (Kae Sales Company, lessee).

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—199 Broadway, north side, 25 ft. 5¼ in. west of Washington Plaza (Block 2444, Lot 92), Borough of Brooklyn.

APPEARANCES—

For Applicant: Philip Freshman and Frank Basuly.

ACTION OF BOARD—Laid over to September 28, 1943, at 2 P. M. for further consideration by the Board.

47-43-A

APPLICANT—George Green, for Sadie Dubester, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—3064 Brighton Fourth street, west side, 124 ft. north of Brighton Beach avenue (Block 7284, Lot 1260), Borough of Brooklyn.

APPEARANCES—

For Applicant: George Green.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to September 28, 1943, at 2 P. M. for further consideration by the Board.

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52-43-A

APPLICANT—Lama and Proskauer for A. Enterman, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—645-669 73rd street, north side, 203 ft. 8 in. west of Seventh avenue and 656-674 72nd street (Block 5911, Lot 31), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama and William G. McCurdy.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Laid over to September 28, 1943, at 2 P. M. for further consideration by the Board.

255-43-A

APPLICANT—Frank C. Keller, for Manufacturers Trust Co., owner (Evelyn Hyland, lessee).

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—28-53 216th street, north side, 477.32 ft. east of 28th avenue (Block 6019, Lot 1), Bayside, Borough of Queens (Under section 35, General City Law re bed of mapped street (29th avenue)).

APPEARANCES—

For Applicant: Frank C. Keller.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to October 5, 1943 at 2 P. M., for an inspection by a committee of the Board.

364-43-A

APPLICANT—Julius Bleich, for Congregation of House of Levi, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to October 5, 1943, at 2 P. M., for an inspection by a committee of the Board.

369-43-A

APPLICANT—Edwin W. Kleinert, for William Lind, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1764-1768 and 1770 Circumferential parkway, northwest corner of Bay 37th street (Block 6942, Lots 17 and 92), Borough of Brooklyn.

APPEARANCES—

For Applicant: Edwin W. Kleinert.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to October 5, 1943 at 2 P. M. for further consideration by the Board.

382-43-A

APPLICANT—Edmund L. Palmieri, Executor of Estate of John Palmieri, deceased, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—150 Ocean parkway, west side, 395 ft. south of Caton avenue (Block 5328, Lot 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama, Frank A. Barrera and Peter Pomerano.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to October 5, 1943 at 2 P. M. for further consideration by the Board.

385-43-A

APPLICANT—Nick De Martini, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—150-01 Union turnpike, northeast corner of 150th street (Block 6712, Lots 16 and 17), Flushing, Borough of Queens (Under section 35, General City Law re bed of mapped street—150th street).

APPEARANCES—

For Applicant: Nick De Martini.

For Administration: Fred Dahlem, Dep't of Housing and Buildings and Charles M. McWilliams, Office of President, Borough of Queens.

ACTION OF BOARD—Laid over to October 5, 1943 at 2 P. M. for an inspection by a committee of the Board.

131-42-A

APPLICANT—Sunrise Oil Company, Incorporated, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Appeal from a decision of the fire commissioner—re Transportation of light fuel oil in tank trucks (capacity of tanks not in accordance with Fire Department specifications governing tank trucks) in New York City.

PREMISES AFFECTED—119-02 23rd avenue, southeast corner of 119th street (Block 4222, Lot 10), College Point, Borough of Queens.

APPEARANCES—

For Applicant: C. O. Smith.

ACTION OF BOARD—Request to reopen withdrawn on request of applicant's representative.

THE VOTE TO WITHDRAW REQUEST TO RE-OPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

746-42-A

APPLICANT—Rodney M. Ollinger, for Wood-Dolson Company, Inc., owner.

SUBJECT—Appeal from an order and decision of the fire commissioner.

PREMISES AFFECTED—241 West 72nd street, north side, 280 ft. 5½ in. west of Broadway (Block 1164, Lot 15), Borough of Manhattan.

APPEARANCES—

For Applicant: Joseph C. Jaffe.

ACTION OF BOARD—Appeal withdrawn on request of applicant's representative.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioner Blum and Deputy Chief Gunn... 3
Negative 0
Absent: Commissioner Savage 1

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172-43-A

APPLICANT—Frederick G. Frost, for New York City Housing Authority, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—Super block bounded by Rockaway, Stone, Dumont and Sutter avenues (Blocks 3544-3547, inclusive, and 3561-3564 inclusive, Lots none), Borough of Brooklyn (Brownsville Housing Project).

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

242-43-A

APPLICANT—Nu-West Fur Dyeing Corporation, for Strickland Realty Corporation, owner.

SUBJECT—Appeal from a decision re an order of the fire commissioner.

PREMISES AFFECTED—Avenue V and Mill avenue (Mill Basin about 582 ft. west of the foot of Mill avenue) (Block 8470, Lot 1091), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

331-43-A

APPLICANT—Greater New York Corporation of Seventh-Day Adventists, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—30-89 32nd street, east side, 125 ft. north of 31st avenue (Block 616, Lot 2), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn on written request of applicant's representative.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

372-43-S

APPLICANT—Harry P. Jaenike, for Emigrant Industrial Savings Bank, owner.

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—442-448 Fourth avenue, northwest corner of East 30th street (Block 860, Lot 37), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

375-43-A

APPLICANT—Harry P. Jaenike, for Emigrant Industrial Savings Bank, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—442-448 Fourth avenue, northwest corner of East 30th street (Block 860, Lot 37), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

679-25-S

APPLICANT—S. Walter Katz, for Greenwich Savings Bank, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—re Variation of the labor law as cited in an order of the fire commissioner.

PREMISES AFFECTED—5 West 30th street (Block 832, Lot 36), Borough of Manhattan.

APPEARANCES—

For Applicant: S. Walter Katz.

ACTION OF BOARD—Application reopened and restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

476-42-A

APPLICANT—William Hand, d/b/a Capitol Drug Co., for Bushwick Building Co., Inc., owner.

SUBJECT—Application for consideration—reopening and restoration to calendar—Appeal from an order and a decision of the fire commissioner (previously dismissed for lack of prosecution).

PREMISES AFFECTED—2553-2563 Atlantic avenue and 30-48 Alabama avenue, northwest corner (Block 3666, Lot 31), Borough of Brooklyn.

APPEARANCES—

For Applicant: Louis Zirinsky.

ACTION OF BOARD—Appeal reopened and restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

527-42-A

APPLICANT—Irving M. Fenichel, for 667 Washington Street, Inc., owner (Shepard Warehouses, Inc., lessee).

SUBJECT—Application for consideration—reopening and restoration to calendar—re Appeal from an order of the fire commissioner; previously withdrawn.

PREMISES AFFECTED—667-675 Washington street and 271-281 West 10th street, northeast corner (7th floor); (Block 631, Lot 1), Borough of Manhattan.

MINUTES

APPEARANCES—

For Applicant: Irving M. Fenichel.

ACTION OF BOARD—Appeal reopened and restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

593-42-A

APPLICANT—Sidney Daub, for Simon Finkelstein, owner.

SUBJECT—Application for consideration—reopening and restoration to calendar—re Appeal from a decision of the borough superintendent; previously withdrawn.

PREMISES AFFECTED—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: Sidney Daub.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

592-42-S

APPLICANT—Sidney Daub, for Simon Finkelstein, owner.

SUBJECT—Application for consideration—reopening and restoration to calendar—re variation of the labor law as cited in a decision of the borough superintendent; previously withdrawn.

PREMISES AFFECTED—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: Sidney Daub.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

803-42-A

APPLICANT—W. G. Griffith, for Swift and Company, subsidiary of United Dressed Beef Company, owner.

SUBJECT—Application for consideration—reopening under new proposal—Appeal from a decision of the borough superintendent (previously denied).

PREMISES AFFECTED—786 First avenue and 400 East 44th street, southeast corner and north side of East 43rd street, 150 ft. east of First avenue (Block 1355, Lot 7), Borough of Manhattan.

APPEARANCES—

For Applicant: W. G. Griffith.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

43-43-A

APPLICANT—Jacob Lubroth, for 127 West 46th Street Corporation, owner.

SUBJECT—Application for consideration—reopening and restoration to Calendar—re Appeal from a decision of the borough superintendent; previously dismissed for lack of prosecution.

PREMISES AFFECTED—121-127 West 46th street, north side, 275 ft. west of Sixth avenue (Block 999, Lot 19), Borough of Manhattan.

APPEARANCES—

For Applicant: Jacob Lubroth.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

115-43-S

APPLICANT—Ansley Radio Corporation, lessee, for Schulte Real Estate Co., Inc., owner.

SUBJECT—Application for consideration—reopening and amendment of resolution under an additional decision—re variation of the labor law as cited in a decision of the acting borough superintendent; previously granted on condition.

PREMISES AFFECTED—21-10 49th avenue, southeast corner of 21st street (1st floor); (Block 71, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Charles P. Planick.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

203-43-A

APPLICANT—Fischbach and Moore, Inc., for Department of Marine and Aviation, City of New York, owner (American Export Airlines, Inc., lessee).

SUBJECT—Application for consideration—reopening and amendment of resolution re Appeal from a decision of the fire commissioner.

PREMISES AFFECTED—East side of 81st street, north of Ditmars boulevard, Seaplane Hangar No. 2 (Block 926), LaGuardia Field, Jackson Heights, Borough of Queens.

APPEARANCES—

For Applicant: W. L. Requa.

ACTION OF BOARD—Appeal reopened and restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

319-43-S

APPLICANT—Horni Signal Manufacturing Corp., lessee for Rector, Church Wardens and Vestrymen of Trinity Church, City of New York, owner.

SUBJECT—Application for consideration—reopening and restoration to calendar—re variation of the labor law as cited in a decision of the fire commissioner previously dismissed for lack of prosecution.

MINUTES

PREMISES AFFECTED—515-521 Greenwich street and 309-317 Spring street, northeast corner (2nd and 5th floors); (Block 597, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: W. Hessler.

ACTION OF BOARD—Application reopened and restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

327-43-A

APPLICANT—Can Reclaiming Co., lessee, for Fred Simon, owner.

SUBJECT—Application for consideration—reopening and restoration to calendar—re Appeal from an order and a decision of the fire commissioner; previously dismissed for lack of prosecution.

PREMISES AFFECTED—382 Metropolitan avenue, south side, 118 ft. east of Havemeyer street (Block 2369, Lot 14 and part of Lots 12, 15, 16 and 17), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal reopened and restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

635-41-A

APPLICANT—Abraham Nichols (lessee), for Henrietta Grum, owner.

SUBJECT—Application reopened May 4, 1943—Appeal from a decision of the borough superintendent (previously withdrawn re an order of the fire commissioner).

PREMISES AFFECTED—398-408 Riverdale avenue, southwest corner of Junius street (Block 3831, Lot 25), Borough of Brooklyn.

APPEARANCES—

For Applicant: Abraham Nichols.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (635-41-A)

WHEREAS, Abraham Nichols (lessee), for Henrietta Grum, owner, filed on July 9, 1941 an appeal from an order of the fire commissioner, affecting premises 398-408 Riverdale avenue, southwest corner, Junius street (Block 3831, Lot 25), Borough of Brooklyn; and

WHEREAS, order No. 8588-5 LC issued by the fire commissioner December 30, 1941 and repeated in a decision of the fire commissioner, dated June 12, 1941, reads:

"1. Discontinue the maintenance of a garage on the premises for the reason that same is of frame construction. (This refers to the frame shed where autos are stored) or

File with or exhibit to the Div. of Combustibles, Fire Dept. a Certificate of Occupancy from the Dept. of Housing and Bldgs. authorizing the use of premises (shed) as a non-storage garage. C26-184, Adm. Code."

WHEREAS, this appeal was withdrawn July 22, 1941, to permit the applicant to submit plans to the borough superintendent; and

WHEREAS, this case was reopened by vote of the Board on May 4, 1943, subject to usual procedure; and

WHEREAS, the applicant filed the decision of the borough superintendent, on B. N. 339-43, dated March 19, 1943, which reads:

"1. Structure for garage purposes and of frame construction is contrary to 4-2-1 of the Code.

2. Frame shed to comply fully with Section 8-7-2-6-1, as to location and enclosure."

and

WHEREAS, the applicant states that the building consists of a one-story, frame shed, 12 ft. high, 10 ft. by 75 ft. in area; located in an unrestricted use district and used for the parking and storage of more than five motor vehicles; and

WHEREAS, Violation No. 2894-39 was issued February 19, 1943, for using frame shed on rear of lot for the storage of cars on parking lot and enclosing shed on three sides without a permit from the department; and

WHEREAS, the applicant contends that the premises are located on a corner of a dead end street near the Long Island Railroad tracks and it is impossible for any one to use this street as a passageway, because of the railroad right of way; that the shed has been in existence for more than 25 years and was previously used for the storage of wagons; that it consists merely of a roof and there is no enclosed shed or building of any kind on the premises; that if compelled to remove this roof, the applicant will be obliged to give up his business; and

WHEREAS, these premises have been inspected by a committee of the Board.

Resolved, that the appeal be and it hereby is *withdrawn*, to permit the applicant to file a plan with the Building Department, showing the sheds in question and also to amend application filed under N. B. Applic. 948-37, under which parking of cars was permitted and Certificate of Occupancy 82888 issued, so as to include the existing buildings.

252-42-A

APPLICANT—Arnold W. Lederer, for Pauline C. Heberlein, owner.

SUBJECT—Application reopened and restored to calendar November 10, 1942, Appeal from an order of the fire commissioner (previously withdrawn).

PREMISES AFFECTED—296-302 Seventh street, south side, 214 ft. 4 in. west of Fifth avenue (Block 998, Lots 26, 28 and 29), Borough of Brooklyn.

APPEARANCES—

For Applicant: Arnold W. Lederer and Frank Bernhard.

For Administration: Thomas A. Larkin, Fire De'pt.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (252-42-A)

WHEREAS, this appeal from an order and a decision of the fire commissioner, affecting premises 288-302 Seventh street, south side, 214 ft. 4 in. west of Fifth avenue (Block 998, Lots 23 to 29, inclusive), Borough of Brooklyn, was withdrawn after argument on April 17, 1942, to permit the applicant to submit the matter to the Fire Department after the building at 290-294 Seventh street, Borough of Brooklyn, was demolished and after completing the proposed structural changes in the building in question; and

WHEREAS, this appeal was reopened by the Board November 10, 1942, subject to usual procedure; and

WHEREAS, order 9675-LF was issued by the fire commissioner October 29, 1942, and reads:

MINUTES

"1. Provide throughout building a fixed fire extinguishing system or other means for the extinguishment of fire satisfactory to the Fire Commissioner. C19-161.0 Adm. Code."

and

WHEREAS, the applicant states that the building is 3 stories (35 ft.) in height, 83 ft. 6 in. by 98 ft. irregular in area; of class 3 construction; located in a business use district and occupied as follows: cellar, storage of twine, one person; 1st floor, offices and storage of paper stock, five persons; 2nd floor, storage of hardware and sundries, two persons; 3rd floor, storage of paper goods and wooden ware, one person; for which no certificate of occupancy has been issued; and

WHEREAS, the applicant now contends that the frame building originally used by the owner has been demolished; that the building in question is used for the storage and distribution of grocery specialties and supplies, such as, pots, pans, paper bags, baled packages, toilet paper, grocery hardware, and all hard goods sold by a grocery; that these materials are stored in bins; that the building is unheated and is divided into units of 21 ft. and 41 ft. 6 in. in width by brick walls equipped with fire doors; that it is proposed to cut openings on the third floor in the third wall from the west, to provide egress to a proposed Labor Law fire escape, which will extend from roof to grade with stationary iron stairways terminating in open yard and all doors to fire escape to be fireproofed self-closing equipped with exit signs and lights; that new interior stairs to cellar with fireproof enclosure in cellar will be installed; that it is also proposed to install, when available, an automatic sprinkler system throughout, connected to the house supply main at least 1 1/4 in. in diameter and an approved single hose inlet will be installed at the building line; that former elevator shaft at east side of building has been discontinued; that since no persons are regularly employed on the various floors and the building is used for storage purposes only and is surrounded by side yards and rear yards on all sides and has been so occupied by the owner for 50 years, it is requested that the Board modify the order of the fire commissioner; and

WHEREAS, the premises were inspected by a committee of the Board.

Resolved, that order 9675-LF of the fire commissioner be and it hereby it *modified* and that the appeal be and it hereby is *granted*, as to objection 1, *on condition* that the building shall be arranged substantially as indicated on revised plan marked "Received November 4, 1942" as amended September 14, 1943; that the building shall not be increased in height or area; that this variance shall continue only while the building is occupied substantially as at present; that a fire escape shall be erected as indicated on the westerly side, exiting to the adjoining open lot under the same ownership; that there shall be installed throughout the building, a thermostatic fire alarm, in lieu of the sprinkler system proposed until the latter is available, connecting from central station to fire headquarters; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto and that such additional portable fire-fighting appliances shall be maintained as the fire commissioner shall direct.

710-42-S

APPLICANT—Gordon-Lacey Chemical Products Company, lessee, for Advance Construction Corporation, owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the fire commissioner.

PREMISES AFFECTED—57-02 48th street (Block 2554, Lot 24), Maspeth, Borough of Queens.

APPEARANCES—

For Applicant: None

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (710-42-S)

WHEREAS, Gordon-Lacey Chemical Products Co., lessee, for Advance Construction Corporation, owner, filed September 29, 1942, an application for variation of the requirements of the Labor Law as cited in an order and a decision of the fire commissioner, affecting premises 57-02 48th street (Block 2554, Lot 24), Maspeth, Borough of Queens; and

WHEREAS, when this case was called for hearing, no appearance was made on behalf of this application.

Resolved, that this application be and it hereby is *dismissed* for lack of prosecution.

99-43-A

APPLICANT—Jacob W. Sherman, for Agudus Chasidei Chabad of USA, owner.

SUBJECT—Application reopened and restored to calendar, June 15, 1943—Appeal from a decision of the borough superintendent (previously withdrawn).

PREMISES AFFECTED—770-774 Eastern parkway, south side, 90 ft. west of Kingston avenue (Block 1271, Lot 31), Borough of Brooklyn.

APPEARANCES—

For Applicant: Jacob W. Sherman.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (99-43-A)

WHEREAS, Jacob W. Sherman, Agudus Chasidei Chabad of USA, owner, filed on March 5, 1943, an appeal from a decision of the borough superintendent, affecting premises 770-774 Eastern parkway, south side, 90 ft. west of Kingston avenue (Block 1271, Lot 31), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent dated February 9, 1943 on Alt. Applic. 35-43, reads:

"6. The prayer room and classroom occupancy of the first floor are public use and are prohibited by Sect. 4.2.1 of the Building Code in an non-fireproof building exceeding 2 stories in height.

7. Two interior stairs, enclosed in fireproof 3 hour partitions, extending directly to the street and roof, without windows are required by Sect. 6.1.2.2.3 of the building code

8. Living rooms in the cellar are prohibited by the Building Code, Sect. 5.1.1."

and

WHEREAS, the applicant states the building is 3 stories (38 ft.) in height, 54 ft. 10 in. by 74 ft. 8 in. in area at first floor; 54 ft. 10 in. by 61 ft. 10 in. in area at typical floor; of Class 3 construction; erected in 1933, located in a business and residence use district and used and occupied: cellar, four car garage, help's room, boiler room, recreation, laundry and storage rooms, 3 persons, plus transients; first floor, doctor's office and help, 19 persons, plus transients; second floor, living quarters, 4 persons, plus transients; third floor, sleeping quarters, 5 persons, that it is proposed to be used and occupied as follows: cellar, book storage, help's room, boiler, kitchen storage and recreation rooms, 3 persons and transients; first floor, prayer room, class rooms and teacher's offices, 90 persons; second floor dwelling, 8 persons; third floor, dwelling, 8 persons; and

WHEREAS, Violation No. 5253-42 was issued for occupying the building as a two family dwelling and school, inconsistent with the last issued certificate of occupancy; and

MINUTES

WHEREAS, the applicant contends as to Objection 6, that the public use of non-fireproof building exceeding 2 stories in height was disapproved as being contrary to department practices based on restrictions erroneously published by the New York Society of Architects; that Section 4.2.1 as legally adopted, does not prohibit this use, therefore it is requested that the Board grant a modification of the borough superintendent's decision; and

WHEREAS, the applicant contends as to Objection 7, that the building has two interior stairs leading to all floors, one of which is fireproof enclosed with 8 in. brick walls equipped with fireproof self-closing doors and extends to roof; that these stairs will not comply with the requirements of the Code if the two upper floors were intended for public use; that there are two doors leading from first floor to street, in addition to the stairs which lead to cellar; that the combined width of both doors is sufficient to accommodate a total of 100 occupants; that, however, these doors do not comply with the Code, as they do not swing out in the line of travel and the doors from the classrooms and prayer room do not swing out in the direction of travel; that Section 3.1.5 provides for mixed occupancies; and

WHEREAS, the applicant contends as to Objection 8, that the rooms in the cellar indicated as help's or maids rooms are ventilated by steel casement sash openings on areas; that these rooms were originally approved by the building department and it is not proposed to change their use; and

WHEREAS, the applicant contends that the building was erected in 1933 and Certificate of Occupancy 90474, issued December 15, 1938, permitting the use of the building as private residence and private doctor's office; that the structure is substantially constructed of brick exterior walls and interior steel columns and girders; that there are no wood bearing partitions; that the cellar ceiling is fire-retarded with metal lath and plaster and the boiler room is completely enclosed with walls and ceilings of fireproof materials; that under Cal. 1170-38-A, the Board modified the borough superintendent's decision on Building Notice 18455-38, permitting the use of the building for Administrative Offices of the Brooklyn Orphan Asylum, but no certificate of occupancy for such use was issued; that the present use has existed for the past two years; that in view of these facts, the applicant requests the Board modify the decision of the borough superintendent, so as to permit the existing conditions, subject to such conditions as the Board may impose; and

WHEREAS, these premises have been inspected by a committee of the Board.

Resolved, that the decision of the borough superintendent acting on Alt. Applic. 35-43, be and it hereby is *modified* and that the appeal be and it hereby is *granted*, as to objections 6, 7 and 8, *on condition* that the building shall not be increased in height or area; that it shall be occupied substantially as proposed and for no other use; that the public occupancy shall not be above the first floor; that the second and third floors shall be occupied for residential purposes only, one family per floor; that no additional family shall be housed within the building; that the existing exits shall be maintained and doors leading thereto and from at all times kept readily openable in the direction of exit and made self-closing; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that the floor load throughout shall not be approved for not less than 60 lbs. per superficial foot, except the portion of the first floor, in view of the large occupancy proposed, shall be strengthened as the borough superintendent may require; that no living rooms shall be maintained in the cellar except one room for the accommodation of the janitor, who shall, however, not live on the premises; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that this resolution is in complete substitution for that affecting the same premises adopted by the Board under Cal. 1170-38-A.

267-43-A

APPLICANT—Graton and Knight Co., owner.

SUBJECT—Appeal from a decision of the fire commissioner re Packaging of Combustible mixture known as "Neptune Waterproof Belt Cement" in one-quart and one-pint glass bottles (capacity of glass bottles not in conformity with Administrative Code Specifications).

APPEARANCES—

For Applicant: Walter C. Menk.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioner Blum and Deputy Chief Gunn..... 3
Negative 0
Absent: Commissioner Savage..... 1

THE RESOLUTION (267-43-A)

WHEREAS, Graton and Knight Company, owner, filed on June 2, 1943, an appeal from a decision of the fire commissioner relating to the use of glass bottles for packaging of "Neptune Waterproof Belt Cement"; and

WHEREAS, the decision of the fire commissioner dated May 6, 1943, Folder No. 22-696, reads:

"Your request of April 22, 1943, for the use of glass bottles for 'Neptune Waterproof Belt Cement,' must be denied. Such bottles in excess of four ounces are contrary to the provisions of Chapter 19 of the Administrative Code."

and

WHEREAS, the applicant contends that Certificate of Approval No. 1225 permits the sale, storage and use of Neptune Waterproof Belt Cement in one-pint plug top tin cans; that the use of the tin can containers has been discontinued, due to the War Production Board's orders and until such time as it is possible to revert back to the tin containers, permission is requested to substitute a 16-ounce glass jar manufactured by the Owens-Illinois Glass Company, Mold C-2933, standard wide-mouth jar, sealed with a metal cap, threaded and equipped with a treated paper liner; that each jar will be packed in a triple slide container manufactured by the Container Corporation of America, of 200 lb. test triple wall corrugated board; that each box will measure 3 1/16" x 3 1/16" by 5 1/4"; that it is also proposed to use the same pint glass jar, packed two jars to a carton of similar construction, measuring 6 3/4" by 3-7/16" by 5 5/8", with a corrugated cardboard lining inside the box and corrugated separator between the bottles and corrugated cushion on top and bottom of box for use in shipping four pint bottles; that it is also proposed to use Container Corporation's case Style RSC, measuring 6 3/4" by 6 3/4" x 5 5/8", of similar construction, and containing corrugated cardboard separators between the bottles and cardboard cushion on top and bottom of box; that it is proposed to sell Neptune Waterproof Belt Cement in a 32-oz. jar made by Owens-Illinois Glass Company, Mold C-2937, standard wide-mouth jar, fitted with a metal top cover having a treated paper liner; that it is proposed to ship the 32-ounce bottle in a Container Corporation of America Triple Lined Slide box measuring 3 7/8" by 3 7/8" by 6-15/16", constructed of 200-lb. test stock; that for shipment, two to such 32-ounce bottles will be packed in a Container Corporation of America Style FFSC container constructed of 200-lb. test stock measuring 8 3/8" by 4 1/4" by 7-15/16" with corrugated liner inside and a corrugated separator between bottles and a corrugated cushion in the bottom and top of the box; that the glass jars used will be manufactured of "Duraglas"; that the flashpoint of Neptune Waterproof Belt Cement is 15° F.; and

WHEREAS, the applicant proposes to use glass bottles having a full turn thread for the cap and also sealed with material known as Filmoseal.

Resolved, that the decision of the fire commissioner dated May 6, 1943, be and it hereby is *modified* and that the appeal

MINUTES

be and it hereby is *granted*, to permit the packaging of Neptune Waterproof Belt Cement as permitted under Certificate of Approval 1225, as proposed in 16- and 32-oz. glass jars as manufactured by the Owens-Illinois Glass Company, sealed with a metal cap having a full turn, *on condition* that such bottles shall be labeled in accordance with the requirements of the Administrative Code therefor and to the satisfaction of the fire commissioner; that such permission is granted for a term of six (6) months pending submission and test for general approval of bottles under an application filed by the manufacturer.

313-43-A

APPLICANT—Max Schoolsky, for I. Schoolsky and Son, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—28 South 9th street, south side, 98 ft. east of Kent avenue (Block 2144, Lot 10), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel Rosenblum, Max Schoolsky and Isidor M. Rodin.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (313-43-A)

WHEREAS, Max Schoolsky, for I. Schoolsky and Son, owner, filed June 25, 1943, an appeal from an order and decision of the fire commissioner, affecting premises 28 South 9th street, south side, 98 ft. east of Kent avenue (Block 2144, Lot 10), Borough of Brooklyn; and

WHEREAS, Order 9701-LF issued by the Fire Commissioner dated November 18, 1942, reads:

"1. Provide throughout building a fixed fire extinguishing system or other means for the extinguishment of fire satisfactory to the Fire Commissioner. C19-161.0 A.C."

and

WHEREAS, the decision of the fire commissioner, dated May 28, 1943, reads:

"Replying to your letter of May 20th you are advised that your request for the removal of the violation is denied. This Order has been issued under a mandatory provision of the law and may be modified only upon application to the Board of Standards and Appeals."

The records indicate that this case is pending in Court and that an adjournment has been granted until June 16th to give you an opportunity to vacate the premises."

and

WHEREAS, the applicant states the building is 4 stories (45 ft.) in height, 22 ft. 4 in. by 72 ft. in area; Class 3 construction; erected over 40 years ago; located in an unrestricted use district; used throughout by one tenant for sorting clothing remnants, 3 persons; and

WHEREAS, the owner was convicted and sentenced in the Magistrate's Court on June 16, 1943, charged with violating Chapt. 19, Sec. 188.10 of the Administrative Code; and

WHEREAS, applicant contends that the building is used by one tenant for the sorting and piling of discarded clothing, the material being of wool; that the building is accessible on three sides; that the present occupants have been operating under regular yearly permits from the Fire Department from 1929 to May 2, 1942, for the storage of five tons of loose rags; that application for renewal of permit, which expired May 2, 1942, was denied and the order appealed from issued; that it is unfortunate that the order was

issued at a time when the fire commissioner should have known that, due to priorities, compliance with this order would be impossible; that if at any time during the past 16 years, this order had been issued, it could and would have been complied with; that practically all of the baled material used on the premises is stored on the grade floor; that loose material never averages over 5 tons; that there are water buckets distributed throughout the premises; that there are no oily materials on the premises; that to insist upon compliance with the order, would drive the owner out of business; and

WHEREAS, the premises were inspected by a Committee of the Board.

Resolved, that order 9701-LF of the fire commissioner be and it hereby is *modified* and that the appeal be and it hereby is *granted*, as to objection 1 thereof, *on condition* that the plot shall not be increased in height or area; that not more than thirty-five (35) tons of baled material and not more than five (5) tons of loose material shall be stored on the premises; that there shall be installed throughout the building, a thermostatic alarm connected through a central station to fire headquarters; that on the front of the building, a fire escape shall be installed, complying with the regulations of the labor law, except that the counterbalanced ladder may be substituted for the counterbalanced stair and with a gooseneck to the roof from the top balcony; that such additional portable fire-fighting appliances shall be installed and maintained as the fire commissioner shall direct and that in all other respects, the building and occupancy shall comply with all laws, rules and ordinances applicable thereto.

432-43-S

APPLICANT—John Brackett, for Hub Industries, Inc., owner.

SUBJECT—Variation of the labor law as cited in a decision of the acting borough superintendent.

PREMISES AFFECTED—35-01 Queens boulevard, northeast corner of 35th street (Block 222, Lot 9), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: John F. Rieger.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (432-43-S)

WHEREAS, John Brackett, for Hub Industries, Inc., owner, filed September 8, 1943, an application for variation of the labor law as cited in a decision of the acting borough superintendent, affecting premises 35-01 Queens boulevard, northeast corner of 35th street (Block 222, Lot 9), Long Island City, Borough of Queens; and

WHEREAS, the decision of the acting borough superintendent, September 2, 1943, re Alt. Applic. 1166-43, reads:

"1. Two exits from every floor area properly enclosed and leading directly to the street must be provided as required by sec. 270 of the Labor Law."

and

WHEREAS, the applicant states the building is one and two stories (32 ft.) in height, 50 ft. 6 in. by 75 ft. 6 in. in area at 2nd floor; 100 ft. by 100 ft. in area at 1st floor; of Class 3 construction; erected in 1924; located in an unrestricted district; now vacant, formerly occupied as office and factory on the 1st floor and offices on the 2nd floor; proposed to be occupied: 1st floor, office and manufacturing plane parts, 50 persons; 2nd floor, office, drafting room and toilets, 50 persons; that the building will be equipped with one 3 ft. 8 in. stairs constructed of steel stringers, risers with cement

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treads and platforms, iron railing enclosed in 4 in. gypsum blocks and studs covered with metal lath and $\frac{3}{4}$ in. Portland cement plaster; both sides; with fireproof self-closing doors; and the building will be equipped with approved counterbalanced type stair to street on the 35th street front; that windows on the course will be enclosed with wire glass and made self-closing; and

WHEREAS, the applicant contends that it is proposed to construct a second story addition to be used for office space, drafting room and that at no time will this area be used for any other purpose; that a new 3 ft. 8 in. interior steel stairs with cement treads and platforms will be erected in the southwest corner of building, connecting 1st floor reception room to replace existing stairway which is not now of legal width; that the proposed stairway will be enclosed with 4 in. gypsum block partitions, plastered both sides, having 3-hour rating and will connect to existing 2nd floor level office space, this office to be separated from the stairhall by stud partition covered with approved metal lath and $\frac{3}{4}$ in. portland cement, plaster both sides, running from floor to underside of roofing boards, having a 1-hour rating; that a new counterbalanced stairway will be erected on outside of building at northwest corner, leading from the new second story partition to sidewalk at 35th street, equipped with connecting doors leading to same; that a new interior 3 ft. 8 in. steel stairs with cement treads and platforms will be installed, from existing office level to new office floor addition at higher level, bulkhead for this stairs to be constructed of wood studs covered inside with approved metal lath and $\frac{3}{4}$ in. portland cement plaster having a one-hour rating and on outside with $\frac{1}{2}$ in. gypsum board, 1 in. rigid insulation and an approved metal with locked seams or approved surfacing; that in addition, a new steel stair and platform from 2nd floor level to roof over one story portion of building will be provided; that this roof is at approximately the same level as roof of building to east; that all openings from offices to stairhalls, with exception of door to reception room at 1st floor, will be fireproof self-closing; that due to the various levels and type of existing construction, it will be a hardship to be compelled to comply with the requirements of the Labor Law.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the Labor Law, as cited in the decision of the borough superintendent on Alt. Applic. 1166-43, Objection 1, and that the application be and it hereby is granted on condition that the building shall not be increased in height or area and shall be arranged substantially as set forth and exits shall be furnished as proposed and as shown on plan filed with the borough superintendent marked "Received August 20, 1943"; that, in addition, a gooseneck ladder shall be constructed and maintained from the fire escape at the rear side of the second story roof; that there shall also be furnished a drop ladder of sufficient length to reach from the parapet of the one story portion at the front to the sidewalk; that in all other respects, the building and occupancy shall comply with all other laws, rules and regulations applicable thereto.

1549-23-A

APPLICANT—New York & Brooklyn Casket Co., owner.

SUBJECT—Application for consideration—reopening and amendment of resolution re Appeal from order of fire commissioner.

PREMISES AFFECTED—703-705 Bedford avenue, east side, from Wallabout to Lynch streets, 97-121 Wallabout street, 2-24 Lynch street and 1-3 Middleton street (Block 2235, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Oscar Lowinson.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (1549-23-A)

WHEREAS, this appeal from an order of the fire commissioner, affecting premises 703-705 Bedford avenue, east side, from Wallabout to Lynch streets, 97-121 Wallabout street, 2-24 Lynch street and 1-3 Middleton street (Block 2235, Lot 1), Borough of Brooklyn, was granted by the Board on April 1, 1924, on certain conditions and the applicant requested an amendment of the resolution; and

WHEREAS, the applicant, Oscar Lowinson, under date of June 30, 1943 and July 28, 1943 stated that the standpipe lines had been removed from the building to comply with an order of the Fire Prevention Bureau and requests that the amendment adopted by the Board April 1, 1924 be amended to permit the elimination of such standpipe lines.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of April 1, 1924 so that as amended the resolution shall read:

"Resolved, that the order of the fire commissioner be and it hereby is modified and that the appeal be and it hereby is granted on condition that the sprinkler system, watchman's service, etc, be maintained as described in resolution adopted by the Board under Cal. No. 198-43-A on July 27, 1943, provided a direct connection to fire headquarters from a central station shall be maintained in connection with such sprinkler system; that the pump house shall be painted red and indicated by a metal sign in letters not less than 8" in height with the words "FIRE PUMP" securely fastened thereon; that the door to the pumphouse shall be kept unlocked at all times; that no lumber pile shall exceed 25 ft. in height; that such piles shall be closely stacked and reserved exclusively for the operation and conduct of the business carried on on the premises; that all openings in interior masonry walls throughout the building shall be protected by automatic fire wall doors as indicated on plans marked 'Received July 23, 1943' filed in connection with the appeal under Cal. No. 198-43-A; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as modified by the Board under Cal. No. 376-43-S and 198-43-A."

258-37-A

APPLICANT—James G. Coffin, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—re Appeal from a decision of the commissioner of buildings.

PREMISES AFFECTED—35-55 223rd street, northeast corner of 37th avenue (Block 6192, Lot 60), Bayside, Borough of Queens.

APPEARANCES—

For Applicant: James G. Coffin.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (258-37-A)

WHEREAS, this appeal from a decision of the commissioner of buildings affecting premises 35-55 223rd street, northeast corner of 37th avenue (Block 6192, Lot 60) Bayside, Borough of Queens, was granted by the Board July 7, 1937, on certain conditions, for a temporary period of

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three (3) years, permit extended on June 22, 1943 and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 7, 1939 as amended through June 22, 1943 by adding thereto:

"that in the event the owner desires to enclose the second floor porch, such enclosure may be constructed, provided the requirements of this resolution are carried out in all other respects and the enclosure of such porch does not invalidate any required exit."

575-41-A

APPLICANT—Ben Weischelbaum for Charles Sacharske, owner (George Kollin, lessee).

SUBJECT—Application for consideration—reopening and extension of permit—re Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—63-28 Bourton street, south side, 220 ft. east of 63rd avenue (Block 311, Lot 12), Rego Park, Borough of Queens.

APPEARANCES—

For Applicant: Morris Nisonoff.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (575-41-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 63-28 Bourton street, south side, 220 ft. east of 63rd avenue (Block 311, Lot 12), Rego Park, Borough of Queens, was granted by the Board on July 22, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 22, 1941, so that as amended, the resolution shall read:

"*Resolved*, that the decision of the borough superintendent on Misc. Application No. 4014-41, Objection No. 1, be and it here is *modified* and that the appeal be and it hereby is *granted on condition* that the proposed day nursery shall be restricted to the first floor; that the second floor shall be occupied by one family whose members are in charge of the operation of the day nursery; that the 3 existing exits from the first floor shall be maintained at all times; that the building shall not be increased in height or area and the lot shall not be reduced; that the cellar ceiling throughout shall be protected with plaster board; that the door from the first floor to the cellar shall be made self-closing; *that this appeal is granted for a term of two years from the date of this amended resolution; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct and the occupancy shall be in accordance with and subject to the requirements of a permit issued by the Department of Health.*"

35-43-S

APPLICANT—Frank Straub, for Senalton Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution re variation of the labor law as cited in a decision of the borough superintendent; previously granted on condition.

PREMISES AFFECTED—38 West 38th street, south side, 412 ft. east of Sixth avenue (Block 839, Lot 68), Borough of Manhattan.

APPEARANCES—

For Applicant: Frank Straub.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (35-43-S)

WHEREAS, this application from a decision of the borough superintendent, affecting premises 38 West 38th street, south side, 412 ft. east of Sixth avenue (Block 839, Lot 68), Borough of Manhattan, was granted by the Board on June 29, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of June 29, 1943 by adding thereto:

"except that the elevator shaft may be accepted, provided it is enclosed on all stories above the cellar with concrete partitions not less than 2½" in thickness in 4" x 4" x ¾" els with self-closing fire doors at all openings and with an enclosure in the cellar of brick."

114-43-A

APPLICANT—Alexander H. McPhee, for The Victory Square Committee of the U. S. Treasury Department, lessee, Consolidated Biological Products, Inc., owner).

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—109-131 West 50th street, north side, 235 ft. 6 in. west of Sixth avenue and 110-130 West 51st street (Block 1003, Lot 40), Borough of Manhattan.

APPEARANCES—

For Applicant: Alexander H. McPhee.

For Administration: Fred Dahlem, Dept. of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (114-43-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 109-131 West 50th street, north side, 235 ft. 6 in. west of Sixth avenue and 110-130 West 51st street (Block 1003, Lot 40), Borough of Manhattan, was granted by the Board on May 11, 1943, on certain conditions, resolution amended on May 25, 1943 and June 17, 1943 and the applicant requested a further amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of May 11, 1943, as amended May 25, 1943 and June 17, 1943 by adding thereto:

"that in the event the owner desires to occupy these premises for public assembly use other than as hereinbefore permitted, the borough superintendent may permit such substitute public assembly use, provided the protective requirements of this resolution are complied with and the use does not extend beyond the temporary term herein permitted and the requirements of Local Law No. 29 are also complied with."

Adjourned: 4:45 P.M.

JOSEPH J. DOYLE, Chief Clerk.

MINUTES

SPECIAL MEETING

FRIDAY MORNING, SEPTEMBER 17, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

Appeal from Administrative Decision

412-43-A

APPLICANT—Richey, Browne and Donald, Inc., owner (Sweet Life Food Corporation, lessee).

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—52-01 Flushing avenue, north side, 310 ft. 6¾ in. east of Metropolitan avenue (Block 2626, Lot 22 and Block 2628, Lots 28 and 50), Maspeth, Borough of Queens (Under section 35, General City Law re bed of mapped street) (52nd street).

APPEARANCES—

For Applicant: Milton Socolof, Walter I. Browne, Samuel Hoffman, Herbert Gretsche and others.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (412-43-A)

WHEREAS, Richey, Browne and Donald, Inc. owner, (Sweet Life Food Corporation, lessee) filed August 24, 1943, an application pursuant to section 35 of the General City Law, for permission to erect a building within the bed of a mapped street (52nd street) affecting premises 52-01 Flushing avenue, north side, 310 ft. 6¾ in. east of Metropolitan avenue (Block 2626, Lot 22, Block 2628, Lots 28 and 50), Maspeth, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated July 30, 1943 on N. B. Applic. 162-43 reads:

"1. Secure permission of Board of Standards and Appeals to erect that portion of the building which is in bed of legal mapped street as per article 3, section 35 of General City Laws."

and

WHEREAS, the applicant states that the proposed building will be one story (20 ft.) in height, 150 ft. by 450 ft. in area, of class 1 construction, located in an unrestricted use, A area district and used for a warehouse and factory with an occupancy of 150 persons; and

WHEREAS, the applicant contends that 52nd street was never legally acquired by the City, but was merely shown on the map drawn in 1910 in the office of the Borough President of Queens; that the street has never been opened or used; that title vests in the applicant; that there are no buildings in the bed of 52nd street; that the property located within the bed of 52nd street is not yielding a fair return to the owner; that the applicant has been the owner for many years; that several buildings have been erected on a portion of the plot; that these buildings have been acquired by the U. S. Navy Department and the applicant directed to remove therefrom; that it has become necessary for the applicant to acquire additional space to conduct its business of wholesale packing and distribution of food products; that it has been unable to obtain any suitable space within the metropolitan district of New York and it has therefore become necessary to erect the building on its premises as proposed; that by reason of the area of the building, 150 ft. by 450 ft. in area, it is impossible to erect same on the premises without using a portion of the bed of 52nd street; that substantial buildings have been erected on 52nd street to the north of the applicant's premises; that there is no need for opening any of the streets in this area, as the present open streets are sufficient to accommodate the owners and occupants of the buildings in this area; that the amount of taxes returned to the City, if the proposed building is erected,

will probably exceed the condemnation value of the building at such time as the street may be acquired; that the continued operation of the applicant's tenant in furnishing food supplies to government agencies and for civilian consumption necessitates the erection of the proposed building.

Resolved, that the decision of the borough superintendent on N.B. Applic. 162-43 be and it hereby is *modified* and that the appeal be and it hereby is *granted*, as to Objection 1, under section 35 of the General City Law, to permit within the bed of 52nd street as shown on the city map, the construction of the proposed one-story, Class 1, building, substantially as indicated on plan filed with this appeal and on plans filed with the borough superintendent under N.B. Applic. 162-43, *on condition* that in the event the portion of 52nd street is acquired by the city for street purposes from Flushing avenue to the Long Island Railroad right of way the amount claimed in condemnation for such portion of the proposed building above the land required for the street shall not exceed the value of such portion of the building as may be required to be removed, to permit the construction of such street, less a deduction of 5 per cent. of the value of such portion of the building for each year elapsing from the date of this action until the acquisition by the city of New York; that in the event this portion of 52nd street from Flushing avenue to the railroad right of way is removed from the city map, the terms of this resolution may be deemed as thereafter having no effect; that there shall at all times be a driveway of not less than 20 feet in width from Flushing avenue, approximately parallel to the proposed building, to provide access for city fire equipment.

Adjourned: 11:15 A.M.

JOSEPH J. DOYLE, Chief Clerk.

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held on July 20, 1943, as they appeared in Bulletin No. 30, Vol. 28, are hereby corrected to read as follows:

510-39-BZ

APPLICANT—Henry Nordheim, for Lewine Realty Corporation, owner (Gordon and Ettl, lessees).

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a temporary term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—5821-5839 Broadway and 251-263 West 238th street, northwest corner (Block 3414-B, Lots 134, 136 and 140), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry Nordheim.

For Administration: Fred Dahlem, Dept. of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (510-39-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a temporary term of two years, the parking and storage of more than five motor vehicles, affecting premises 5821-5839 Broadway and 251-263 West 238th street, northwest corner (Block 3414-B, Lots 134, 136 and 140), Borough of The Bronx, was granted by the Board on July 18, 1939, on certain con-

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ditions, permit extended on July 1, 1941 and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted July 18, 1939, as amended July 1, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"granted under section 7h thereof for a temporary term of two (2) years from the date of this amended resolution, to permit the premises to be occupied for the parking and storage of more than five motor vehicles, on condition. . . ."

*Correction—The words "transient parking" omitted and the words "parking and storage" substituted therefor, in various portions of the resolution.

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held on July 27, 1943, as they appeared in Bulletin No. 32, Vol. 28, are hereby corrected to read as follows:

376-43-S

APPLICANT—Oscar Lowinson, for New York and Brooklyn Casket Co., owner.

SUBJECT—Variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—703-705 Bedford avenue, east side, from Wallabout to Lynch streets, 97-121 Wallabout street, 2-24 Lynch street and 1-3 Middleton street (1st and 2nd floors); (Block 2235, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Oscar Lowinson and C. Christman.

ACTION OF BOARD—Application granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners	
Savage and Blum	3
Negative: Deputy Chief Gunn	1
Absent	0

THE RESOLUTION (376-43-S)

WHEREAS, Oscar Lowinson, for New York and Brooklyn Casket Company, filed on July 26, 1943, an application for variation of the requirements of the labor law as cited in a decision of the fire commissioner, affecting 703-705 Bedford avenue, east side, 97-121 Wallabout street, 1-3 Middleton street, 2-24 Lynch street (Block 2235, Lot 1), Borough of Brooklyn; and

WHEREAS, the decision of the fire commissioner dated July 22, 1943, reads:

"We have your letter of July 12, wherein you request a permit for your employees to smoke on the 2nd story of the above mentioned premises in the offices, the women's kitchen and lunchroom, and also in the women's room and lobby on the 1st story.

You are advised that your application must be denied for the reason that smoking is prohibited on these premises by the provisions of the labor law and the rules of the Board of Standards and Appeals."

and

WHEREAS, the applicant states the building is four stories (50 ft.) in height, 292 ft. front on Wallabout street, 53 ft. 11½ in. on Bedford avenue; of Class 6 construction; erected 1906; located in an unrestricted and business use district; used as follows: cellar, manufacturing caskets; 1st floor, wood working and shipping, 78 persons; 2nd floor, factory, office, manufacturing caskets and storage, 50 persons; 3rd floor, factory and storage, 15 persons; 4th floor, manufacturing caskets, 101 persons; equipped with a three-source sprinkler system; proposed to be equipped with an interior fire alarm system and fire drills will be maintained; that there are two 3 ft. wood stairways with masonry enclosures, equipped with fireproof self-closing doors, one of which leads to roof and one leads directly to the street; that there are 6 fire escapes, as indicated on plans filed with this application; and

WHEREAS, the applicant contends that the entire building is used for the manufacture of caskets; that on the first story, the entrance lobby and the adjoining women's rooms are separated from the remainder of the floor by stud and compo board or other similar partitions, equipped with self-closing doors; that stairs are enclosed in masonry partitions; that a similar condition exists on the 2nd floor; that the partition between the lunch room and the adjoining large room, is a dwarf partition; that this adjoining large room is used for textile work by women employees in connection with the stock room, which is used for storage of textiles preliminary to manufacture; that the partitions between the office and the remainder of the floor are similar to those on the first floor; that exits from this area consists of 2 interior stairways and an exterior stairway on Lynch street, as well as an exterior stairway on Wallabout street, access to which is through the cloth room; that the building is sprinklered and interior openings and masonry walls are protected by Underwriters' doors; that great difficulty has been found in enforcing rules against smoking; that due to war conditions, if an attempt is made to discipline an employee, it is followed by the loss of that employee and consequent reduction in production, and it is felt that if smoking could be permitted in the area proposed, the hazard would be less than at present where surreptitious smoking occurs.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the fire commissioner dated July 22, 1943, and that the application be and it hereby is *granted on condition* that no smoking shall be done on the premises, except in the space on the first floor and except the space on the second floor toward the west, as hatched, and indicated on plans filed with the Board marked "Received July 26, 1943"; that the partitions separating such spaces wherein smoking is herein permitted, shall be from floor to ceiling; that adequate receptacles and such portable extinguishers shall be maintained as the fire commissioner shall require; that the two-source sprinkler system shall be maintained to the satisfaction of the fire commissioner; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board under Cal. 1549-23-A and 198-43-A.

*Correction—The vote of Deputy Chief Gunn, changed from "Absent" to "Negative."

FORMS FOR NOTICE TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such

copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

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No. 39

DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1000 to 1018.

TELEPHONE—WOrth 2-5600.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.

Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

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NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET

New Cases Filed up to September 21, 1943.

- | <i>Cal. No.</i> | <i>Dept.</i> | <i>Premises Affected</i> |
|-----------------|--------------|--|
| 443-43-A | H.B.M. | —176 Sullivan street, west side, 144 ft. north of West Houston street (Block 526, Lot 71), Borough of Manhattan, Amendments to Alt. 321-43. |
| 444-43-A | H.B.B. | —1250 Atlantic avenue, south side, 100 ft. north of Nostrand avenue (Block 1200, Lot 21), Borough of Brooklyn, Amendment to Alt. 5719-43. |
| 445-43-A | F.D. | —Re transportation of petroleum product "Varsol" in tank truck not of approved type (capacity of tank truck not in conformity with Administrative Code Specifications) in New York City, Decision. |
| 446-43-A | F.D. | —2-22 Quincy street and 1-9 Downing street, southeast corner (Block 1972, part of Lot 2), Borough of Brooklyn, 10088-L.F. and Decision. |
| 447-43-A | H.B.Q. | —113-44 208th street, northwest corner of 114th (Murdock) avenue (Block 11003, rear of Lot 173), St. Albans, Borough of Queens, N.B. 3528-43. |
| 448-43-A | H.B.Q. | —36-40 37th street, west side, 349.50 ft. north of 37th avenue (Block 636, Lot 43), Long Island City, Borough of Queens, Alt. 1216-43. |
| 449-43-SM | | —"Aquella" Waterproofing Mineral Paint manufactured by Modern Waterproofing Paint Company, Material. |
| 450-43-SA | | —Hoke Jewel Torch, Appliance. |
| 451-43-A | F.D. | —94-108 Reade street, north side, 98 ft. 11½ in. west of Church street (Block 146, Lot 3), Borough of Manhattan, 35679-L.C. |
| 452-43-A | H.B.B. | —257 Corbin place, east side, 455 ft. south of Oriental boulevard (Block 7516, Lot 205), Borough of Brooklyn, Alt. 747-43. |

Restored to Calendar

- 803-43-A—H.B.M.—786 First avenue and 400 East 44th street, southeast corner and north side of East 43rd street, 150 ft. east of First avenue (Block 1355, Lot 7), Borough of Manhattan, Alt. 578-43 and Alt. 1148-42.

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

RULES

	Last Publication in Bulletin
Blended Cements, Rules for Testing and Use of	Nov. 24, 1942—Vol. 27, No. 47
Carbon Dioxide Liquefier, Rules.....	June 22, 1943—Vol. 28, No. 25
Certificates of Occupancy, approved form	Nov. 25, 1941—Vol. 26, No. 47
Concrete Flat Slabs, Rules.....	July 13, 1937—Vol. 22, No. 28

Last Publication in Bulletin

Concrete Masonry Units, Rules for Manufacture, Testing and Use of	June 24, 1941—Vol. 26, No. 25
Concrete Rules (Hydrated Lime)....	Aug. 3, 1937—Vol. 22, No. 31
Elevator Rules	Mar. 3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors).....	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules.....	Feb. 2, 1943—Vol. 28, No. 5
Fire Alarm Rules (Interior).....	June 8, 1943—Vol. 28, No. 23
Fire Drill Rules.....	Sept. 14, 1943—Vol. 28, No. 37
Fire-resistive, Flameproof Materials, etc., Rules for Testing of.....	Sept. 7, 1943—Vol. 28, No. 36
Fire Retarding Rules for Garages, etc.	Dec. 16, 1941—Vol. 26, No. 50
Fireproof Wood, Testing of.....	Apr. 13, 1937—Vol. 22, No. 15
Frame Garages, Ruling for.....	Jan. 21, 1919—Vol. 4, No. 3
Fusion Welding and Gas Cutting Rules	Apr. 27, 1943—Vol. 28, No. 17
Gas Shut-Off Rules.....	Apr. 7, 1925—Vol. 10, No. 14
Hatchway Protection	June 5, 1928—Vol. 13, No. 23
Insulating Fibre Board Rules.....	Mar. 23, 1943—Vol. 28, No. 12
Oil Burner Rules.....	July 13, 1943—Vol. 28, No. 28
Opening Protective Assemblies, Rules for Inspection of.....	July 27, 1943—Vol. 28, No. 30
Paint, Varnish and Lacquer Spraying Rules	July 13, 1943—Vol. 28, No. 28
Platform Trucks, Specifications for..	Nov. 24, 1936—Vol. 21, No. 47
Plumbing Rules	Aug. 3, 1937—Vol. 22, No. 31
Plumbing Rules (Submerged Inlets; Protective Methods to Prevent Contamination of Water Supply).....	Dec. 15, 1942—Vol. 27, No. 50
Procedure, Rules of.....	Sept. 7, 1937—Vol. 22, No. 36
Refrigerating Systems, Extract A.C.	Sept. 14, 1943—Vol. 28, No. 37
Smoking in Factories, Rules for....	June 1, 1943—Vol. 28, No. 22
Sprinkler Rules	June 29, 1937—Vol. 22, No. 26
Standpipe Fireline Rules.....	June 8, 1937—Vol. 22, No. 23
Structural Alterations, Reporting....	June 7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc.....	Nov. 24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.....	Nov. 24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)....	Apr. 10, 1923—Vol. 8, No. 15

Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

SEPTEMBER 28, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 28, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

663-42-BZ—Application, September 8, 1942, under sections 7e and 21 of the zoning resolution, of Jacob Beller, applicant, on behalf of Henrietta Coopersmith, owner (Annie Oakley, lessee), to permit in a residence use district, for a term of two years, the conversion of occupancy of an existing frame structure, to a stable for more than five horses and also, as a riding academy; premises 90-17 71st avenue and 70-67 to 70-79 Walnut street, northwest corner (Block 3899, Lot 1), Forest Hills, Borough of Queens.

282-35-BZ—Application of Paul Friedman, applicant, on behalf of Bay Parkway Holding Corporation, owner (Empire Chevrolet, Inc., lessee), reopened July 20, 1943, under section 7f of the zoning resolution, to permit in a business use district, for a term of five years, the conversion of occupancy of the use of the premises as office, five car garage and auto laundry to office, lubritorium, auto laundry and gasoline service station; premises 1159-1167 Utica avenue and 5002-5010 Clarendon road, southeast corner (Block 4771, Lot 1), Borough of Brooklyn.

406-43-BZ—Application, August 17, 1943, under section 7c of the zoning resolution, of Alfred H. Eccles, applicant on behalf of American Ice Co., owner, to permit partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building used as an ice manufacturing plant, to a factory for the fabrication of plastics and also, the alteration

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and the erection of an additional intermediary story within the present envelope of the building; premises 223-01 Northern boulevard and 43-29 223rd street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens.

138-43-BZ—Application, March 30, 1943, under section 7f of the zoning resolution of Lama and Proskauer, applicants on behalf of Amijo Realty Corporation, owner, to permit partly in a business use and partly in an unrestricted use district for a term of two years, the parking and storage of more than five motor vehicles (buses); premises 92-12 60th avenue and 60-03 to 60-11 92nd street, southeast corner (Block 1876, Lot 7), Forest Hills, Borough of Queens.

82-43-BZ—Application of James A. Boyle, applicant, on behalf of Louis L. Ahlers and Mary Fromer, owners (Celtic Circle, Inc., Sheephead Bay Unit No. 1, lessee), reopened and restored to calendar, July 20, 1943, under section 7c of the zoning resolution, to permit partly in a residence use and partly in a business use district, the erection of a grandstand for an athletic field, the use of which is primarily for business purposes (previously dismissed for lack of prosecution); premises 1232-1254 Avenue Z and 2602-2644 East 13th street, southwest corner and 2601-2649 Homecrest avenue (Block 7457, Lots 1 and 15), Borough of Brooklyn.

Appeals from Administrative Decisions.

184-43-A—1232-1254 Avenue Z and 2602-2644 East 13th street, southwest corner (Block 7457, Lots 1 and 15), Borough of Brooklyn.

407-43-S—223-01 Northern boulevard and 43-29 223rd street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens.

454-43-A—1159-1167 Utica avenue and 5002-5010 Clarendon road, southeast corner (Block 4771, Lot 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

SEPTEMBER 28, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, September 28, 1943*, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

910-39-A—107-111 Myrtle avenue, north side, 21 ft. west of Bridge street (Block 143, Lot 30), Borough of Brooklyn (reopened July 13, 1943).

52-43-A—645-669 73rd street, north side, 203 ft. 8 in. west of Seventh avenue and 656-674 72nd street (Block 5911, Lot 31), Borough of Brooklyn.

47-43-A—3064 Brighton 4th street, west side, 124 ft. north of Brighton Beach avenue (Block 7284, Lot 1260), Borough of Brooklyn.

709-42-A—199 Broadway, north side, 25 ft. 5¼ in. west of Washington Plaza (Block 2444, Lot 92), Borough of Brooklyn.

658-42-A—45 Roebling street, southeast corner of North 9th street (Block 2314, Lot 5), Borough of Brooklyn.

148-42-A—5-19 47th avenue, north side, 174.93 ft. east of East 5th street (West avenue); (Block 28, Lot 17), Long Island City, Borough of Queens.

285-43-A—Re packaging of inflammable mixture known as "Mufti Dry Cleaner" in 2 oz., 6 oz. and 12 oz. glass

bottles (capacity of glass bottles not in conformity with Administrative Code Specifications).

383-43-A—Re transportation of fuel oil (lighter than Nos. 5 and 6) in tank trucks not of approved type (capacity of tanks not in conformity with Administrative Code Specifications covering tank trucks), in New York City.

445-43-A—Re transportation of petroleum product "Var-sol" in tank truck not of approved type (capacity of tank truck not in conformity with Administrative Code Specifications covering tank trucks) in New York City.

527-42-A—667-675 Washington street and 271-281 West 10th street, northeast corner (7th floor); (Block 631, Lot 1), Borough of Manhattan. (Reopened, September 14, 1943).

236-43-A—517 West 47th street, north side, 250 ft. west of Tenth avenue (Block 1076, Lot 22), Borough of Manhattan.

357-43-S—413-431 Park avenue, 816-822 Kent avenue, northwest corner and 77-83 Taaffe place (cellar, 1st, 2nd and 3rd floors); (Block 1883, Lots 1-4 and 38-40), Borough of Brooklyn.

429-43-A—231 West 54th street, north side, 92 ft. 2½ in. west of Broadway (Block 1026, Lot 15), Borough of Manhattan.

413-43-A—47-11 108th street, northeast corner of 48th avenue (Block 2003, Lot 87), Corona, Borough of Queens.

Material for Approval.

1144-38-SM—Flamex (Salenite) Flameproofing (reopened June 29, 1943).

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 5, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, October 5, 1943*, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

258-35-BZ—Application of Henry C. Brucker, applicant, on behalf of Octagon Laundry, Inc., owner, reopened July 27, 1943, re amendment to resolution—re Application, previously granted on condition, under section 7b of the zoning resolution, permitting the extension from a business use district into a residence use district, of an existing wet wash laundry and the erection, partly in a business use district and partly in a residence use district, of a proposed garage for more than five motor vehicles as an accessory to the laundry; premises 2120-2124 Menahan street (rear), south side, 185.96 ft. east of Grandview avenue (Block 3373, Lot 18), Ridgewood, Borough of Queens.

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1051-27-BZ—Application of Lama and Proskauer, applicants, on behalf of Rutland Parkway, Inc., owner (Sinclair Oil Refining Co., lessee), reopened December 1, 1942, under sections 7c and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of an auto laundry (located upon an existing gasoline service station) to a motor vehicle repair shop and, also, the inclusion of parking and storage of more than five motor vehicles; premises 724-740 Ralph avenue and 81-101 East 98th street, northwest corner (Block 3530, Lot 1), Borough of Brooklyn.

437-43-BZ—Application, September 8, 1943, under section 7c of the zoning resolution, of Bernhard A. Abrashkin, applicant, on behalf of 421-429 West 54th Street Corporation, owner, to permit in a residence use district, the conversion of occupancy of a building occupied as a garage for more than five motor vehicles and service station to a factory; premises 421-429 West 54th street, north side, 300 ft. west of Ninth avenue (Block 1064, Lots 16, 17 and 18), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 5, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, October 5, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

364-43-A—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

369-43-A—1764-1768 and 1770 Circumferential parkway, northwest corner of Bay 37th street (Block 6942, Lots 17 and 92), Borough of Brooklyn.

382-43-A—150 Ocean parkway, west side, 395 ft. south of Caton avenue (Block 5328, Lot 30), Borough of Brooklyn.

255-43-A—28-53 216th street, north side, 477.32 ft. east of 28th avenue (Block 6019, Lot 1), Bayside, Borough of Queens (under section 35, General City Law—re bed of mapped street—29th avenue).

385-43-A—150-01 Union Turnpike, northeast corner of 150th street (Block 6712, Lots 16 and 17), Flushing, Borough of Queens (under section 35, General City Law re bed of mapped street—150th street).

Material for Approval.

483-39-SM—Minit-Mix and Mortaseal (reopened May 18, 1943 re these additional materials).

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 13, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Wednesday morning, October 13, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Zoning Application.

198-20-BZ—Application of Henry Nordheim, applicant, on behalf of Maresca Co., Inc., owner, reopened Sep-

tember 14, 1943, under section 7c of the zoning resolution, to permit in a business use district, the inclusion of a motor vehicle repair shop in a public garage—the said public garage was previously granted by the Board; premises 2653 Webster avenue, west side, 151.03 ft. south of East 195th street (Block 3277, Lot 36), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 13, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Wednesday afternoon, October 13, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Appeal from Administrative Decision.

615-42-A—1680 Broadway, east side, 104 ft. south of West 53rd street (Block 1024, Lot 38), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 19, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, October 19, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Zoning Applications.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

404-43-BZ—Application, August 16, 1943, under sections 7c and 21 of the zoning resolution of Charles A. Dunker, applicant on behalf of Taverna Coal Co., owner, to permit in a residence use district, the erection and maintenance of a building to be used as an office and garage for four (4) motor vehicles to be used in conjunction with the existing coal yard on the site; premises 51-67 Manee avenue, east side, 531.78 ft. south of Amboy road and 52-56 Bayview avenue (Block 6751, Lot 284), Princes Bay, Borough of Richmond.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 19, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, October 19, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Appeal from Administrative Decision.

191-43-A—15 West 77th street and Central Park West at 79th street (Block 1130, Lot 1), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

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BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, SEPTEMBER 21, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

The minutes of the regular meeting of the Board held on Tuesday morning, September 14, 1943, and Tuesday afternoon, September 14, 1943, were approved as printed in Bulletin No. 38, Volume 28.

ZONING CASES.

258-35-BZ

APPLICANT—Henry C. Brucker, for Octagon Laundry, Inc., owner.

SUBJECT—Application reopened July 27, 1943 for consideration re amendment to resolution (decision of the acting borough superintendent)—Application, previously granted on condition, under section 7b of the zoning resolution, permitting the extension from a business use district into a residence use district of an existing wet wash laundry and the erection, partly in a business use district and partly in a residence use district, of a proposed garage for more than five motor vehicles as an accessory to the laundry.

PREMISES AFFECTED—2120-2124 Menahan street (rear), south side, 185.96 ft. east of Grandview avenue (Block 3373, Lot 18), Ridgewood, Borough of Queens.

APPEARANCES—

For Applicant: None.

For Opposition: None.

ACTION OF BOARD—Laid over to October 5, 1943, at 10 A. M. Applicant to mail the required notices of hearing to property owners within the affected area.

404-43-BZ

APPLICANT—Charles A. Duncker, for Taverna Coal Co., owner.

SUBJECT—Application (decision of the acting borough superintendent) under sections 7c and 21 of the zoning resolution, to permit in a residence use district, the erection and maintenance of a building to be used as an office and garage for four (4) motor vehicles to be used in conjunction with the existing coal yard on the site.

PREMISES AFFECTED—51-67 Manee avenue, east side, 531.78 ft. south of Amboy road and 52-56 Bayview avenue (Block 6751, Lot 284), Princes Bay, Borough of Richmond.

APPEARANCES—

For Applicant: Charles A. Duncker and Americo Taverna.

For Opposition: S. D. Walsh and Mrs. W. Schultheis.

ACTION OF BOARD—Laid over to October 19, 1943, at 10 A. M., for an inspection by a committee of the Board. No further argument.

406-43-BZ

APPLICANT—Alfred Eccles, for American Ice Co., owner.

SUBJECT—Application (decision of the acting borough superintendent) under section 7c of the zoning resolution, to permit partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building, used as an ice manufacturing plant, to a factory for the fabrication of plastics and also, the alteration and the erection of an additional intermediary story within the present envelope of the building.

PREMISES AFFECTED—223-01 Northern boulevard and 43-29 223d street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens.

APPEARANCES—

For Applicant: Alfred H. Eccles, John A. Marsicano and Peter A. Buehrman.

For Opposition: None.

ACTION OF BOARD—Laid over to September 28, 1943, at 10 A. M., for further consideration by the Board.

637-39-BZ

APPLICANT—J. G. L. Molloy, for Shell Oil Co., Inc., owner.

SUBJECT—Application reopened July 13, 1943, re application (decision of the acting borough superintendent) under section 7f of the zoning resolution, to permit in a retail use district for a term of years, the parking and storage of more than five motor vehicles upon part of an existing gasoline service station; which gasoline service station was previously extended by the Board.

PREMISES AFFECTED—63-56 Austin street and 91-39 63rd drive, southwest corner (Block 3103, Lot 43), Rego Park, Borough of Queens.

APPEARANCES—

For Applicant: J. G. L. Molloy and Sidney Kurland.

For Opposition: Jabez E. Dunningham, Abner Silverman and Ralph Itzler.

For Administration: Gustave Goldman, Board of Education.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (637-39-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in a business use district, the extension of an existing gasoline service station, affecting premises 63-56 Austin street and 91-39 63rd drive, southwest corner (Block 3103, Lot 43), Rego Park, Borough of Queens, was granted by the Board on December 19, 1939, on certain conditions; and

WHEREAS, the applicant requested an amendment of the resolution, to permit under section 7f of the zoning resolution, in a retail use district for a term of years, the parking and storage of more than five motor vehicles upon part of an existing gasoline service station; which gasoline service station was previously extended by the Board; and

WHEREAS, this application was reopened by vote of the Board on July 13, 1943, subject to usual procedure; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, September 21, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution, show that 63rd drive is in a retail and business use district, Austin street is in an unrestricted, retail and residence use district and Alderton street is in a residence and retail use district; and

WHEREAS, the decision of the borough superintendent on Misc. Applic. 567-43 dated June 3, 1943 reads:

"1. The use of these premises for the parking of more than, five motor vehicles in a retail district is contrary to Art. 2, Sec. 4a, subdiv. 15 of the zone resolution."

and

WHEREAS, the applicant states that the premises consist of a plot of ground having a frontage of 80.04 ft. on 63rd drive and 95.08 ft. on Austin street, upon which is located

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a one story brick accessory building, 42 ft. 2 in. by 26 ft. in area and also the necessary tanks and pumps for a gasoline service station and that it is proposed to use, for a term of five years, the vacant portion of this plot for the parking and storing of more than five motor vehicles; and

WHEREAS, the Board found that a limited use of the plot to the rear of the accessory building for parking and storage of pleasure type of motor vehicles would be a convenience to persons using the adjacent railroad station and that there would be no deterioration of the area caused and no hardship caused to existing garages.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of December 19, 1939, by eliminating the words:

"that there shall be no parking of cars other than those being serviced."

and substituting therefor:

"that in the event the owner desires to park or store not over ten (10) motor vehicles, such parking and storage may be permitted for a term of five (5) years from the date of this amended resolution, under section 7f, on condition that such parking and storage shall be entirely to the west of the rear wall of the accessory building; that the existing metal fence shall be maintained; that only cars of the pleasure car type and those in condition for operation shall be so stored or parked; that in all other respects, the requirements of the resolution adopted by the Board on December 19, 1939, as herein amended, shall be complied with."

984-22-BZ

APPLICANT—Samuel Goldfein, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the superintendent of buildings) previously granted on condition, under section 7f of the zoning resolution, permitting in a residence use district, for a temporary term of two years, the maintenance of a garage for the storage of three motor vehicles, three spaces rented to persons not residing on the premises.

PREMISES AFFECTED—2379 Tiebout avenue, west side, 116.05 ft. north of East 184th street (Block 3147, Lot 32), Borough of The Bronx.

APPEARANCES—

For Applicant: Gilbert Lazerus.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—
Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (984-22-BZ)

WHEREAS, this application under section 7f of the zoning resolution, permitting in a residence use district for a temporary term of two years, the maintenance of a garage for the storage of three motor vehicles, three spaces rented to persons not residing on the premises; affecting premises 2379 Tiebout avenue, west side, 116.05 ft. north of East 184th street (Block 3147, Lot 32), Borough of The Bronx, was granted by the Board on February 19, 1924, on certain conditions; and

WHEREAS, this permit was extended from time to time, the last extension being on September 23, 1941, and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of February 19, 1924, as amended through September 23, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7f for a temporary term of two (2) years from the date of this amended resolution."

943-38-BZ

APPLICANT—Joseph Bernfeld, for Frank Nardone, lessee, for F.C.A. Corporation and Edbro Realty Corporation, owners.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—43-25 43rd street, east side, 150 ft. south of 43rd avenue (Block 162, Lots 9, 11 and 17), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Julius H. Rosan.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—
Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (943-38-BZ)

WHEREAS, this application, under section 7h of the zoning resolution, permitting in a business use district for a temporary period of not more than two years, the parking and storage of more than five motor vehicles, affecting premises: 43-25 43rd street, east side, 150 ft. south of 43rd avenue (Block 162, Lots 9, 11 and 17), Long Island City, Borough of Queens, was granted by the Board July 11, 1939, on certain conditions, permit extended September 30, 1941 and resolution amended September 15, 1942 and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of July 11, 1939, as amended through September 15, 1942, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h for a term of two (2) years from the date of this amended resolution, to permit the plot. . . ."

470-40-BZ

APPLICANT—William Cohn, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the acting borough superintendent) previously granted on condition, under section 7c of the zoning resolution, permitting partly in a business use and partly in a residence use district, the extension of an existing gasoline service station and, also, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—4070-4076 Broadway, southeast corner of West 172nd street (Block 2141, Lots 17 to 20, inclusive), Borough of Manhattan.

APPEARANCES—

For Applicant: Nathan Cosel.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—
Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (470-40-BZ)

WHEREAS, this application, under section 7c of the zoning resolution, permitting partly in a business use and partly in a residence use district, the extension of an existing gasoline service station, and also the parking and storage of more than five motor vehicles, affecting premises 4070-4076 Broadway, southeast corner of West 172nd street (Block 2141, Lots 17 to 20 inclusive), Borough of Manhattan, was granted

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by the Board November 13, 1940, on certain conditions, time extended October 7, 1941, and September 29, 1942, and the applicant requested a further extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of November 13, 1940, as amended through September 29, 1942, only in so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that all permits required shall be obtained and all work completed within one (1) year from the date of this *amended* resolution."

APPEAL FROM ADMINISTRATIVE DECISION

407-43-S

APPLICANT—Alfred H. Eccles, for American Ice Co., owner.

SUBJECT—Variation of the labor law as cited in a decision of the acting borough superintendent.

PREMISES AFFECTED—223-01 Northern boulevard and 43-29 223rd street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens.

APPEARANCES—

For Applicant: Alfred H. Eccles, John A. Marsicano and Peter A. Buehrman.

ACTION OF BOARD—Laid over to September 28, 1943, at 10 A. M., for further consideration by the Board, in connection with Calendar 406-43-BZ.

Adjourned: 11:30 A. M.

JOSEPH J. DOYLE, Chief Clerk.

REGULAR MEETING

TUESDAY AFTERNOON, SEPTEMBER 21, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

Appeals From Administrative Decisions.

658-42-A

APPLICANT—Commercial Control and Device Corp. (lessee), for 117 Realty Corp., owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—45 Roebling street, southeast corner of North 9th street (Block 2314, Lot 5), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Laid over to September 28, 1943 at 2 P. M., for further consideration by the Board (No appearance for the applicant.)

191-43-A

APPLICANT—R. P. Johnson, for The American Museum of Natural History, owner.

SUBJECT—Appeal from decisions of the fire commissioner and a decision of the borough superintendent.

PREMISES AFFECTED—15 West 77th street and Central Park West at West 79th street (Manhattan Square); (Block 1130, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: Rex P. Johnson and John M. McDermott.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Laid over to October 19, 1943 at 2 P. M. for further consideration by the Board.

12-43-A

APPLICANT—Schuman and Lichenstein, for Doyman Realty Company, Incorporated, owner (D.N.S. Hat Company, lessee).

SUBJECT—Appeal from a decision re an order of the fire commissioner.

PREMISES AFFECTED—679 Broadway, west side, 25 ft. south of West Third street (Block 532, Lot 10), Borough of Manhattan.

APPEARANCES—

For Applicant: Simon N. Alderman.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (12-43-A)

WHEREAS, Schuman and Lichenstein, for Doyman Realty Co., Inc., owner (D.N.S. Hat Co., lessee), filed January 7, 1943, an appeal from an order of the fire commissioner, affecting premises 679 Broadway, west side, 25 ft. south of West Third street (Block 532, Lot 10), Borough of Manhattan; and

WHEREAS, order 31959-LC issued by the fire commissioner August 22, 1942 and repeated in a decision of the fire commissioner December 24, 1942 reads:

"1. Provide a fixed fire extinguishing system or other means for the extinguishment of fire satisfactory to the Fire Commissioner. Sec. C19-149, Art. 26, Adm. Code."

and

WHEREAS, the applicant states that the building is 5 stories (68 ft.) in height, 25 ft. by 100 ft. in area at 1st floor; 25 ft. by 90 ft. in area at typical floor, of class 3 construction, equipped with a perforated pipe system in the cellar and sub-cellar, erected prior to 1880, located in an unrestricted use district and used as follows: sub-cellar, vacant, cellar, storage; 1st floor, store, 5 persons; 2nd floor to 5th floor inclusive, factory, 10 persons per floor; and

WHEREAS, the applicant contends that at the time the building was erected and used for a factory, it complied with the requirements and no sprinkler system was required; that the entire building, except the store, is used by one tenant for the manufacture of ladies' felt hats; that all floor areas are free of partitions; that the fire escape is equipped with wire glass windows on each floor and is provided with a counter-balanced stair to the street; that each of the upper floors is equipped with water buckets and sand pails; that the present interior fire alarm system, consisting of two stations on each floor, will be placed in good working order; and

WHEREAS, the premises were inspected by a committee of the Board.

Resolved, that the order, 31959-LC, of the fire commissioner, be and it hereby is *modified* and that the appeal be and it hereby is *granted*, as to objection 1, *on condition* that the building shall not be increased in height or area; that the building shall comply with the requirements of the Labor Law therefor; that other outstanding orders of the fire commissioner shall be complied with, including the requirement that the doors to the stairway shall be made self-closing and including order 15090-LF; that not more than two (2) tons of wool fibre in the form of used felt hats, whether in bales or loose, shall be on the premises at any one time; that the upper four floors shall be under

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the control of one tenant and that the occupancy of same shall at no time exceed twenty-five (25); that the two existing gooseneck ladders from the roof to the adjoining building to the north shall be maintained; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that this variance shall continue only during the time the building is occupied substantially as set forth and in accordance with the requirements of this resolution and all other laws, rules and regulations applicable to the building and occupancy.

448-43-A

APPLICANT—Anthony Lombardi, for Radio Engineering Laboratories, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—36-70 37th street, west side, 349.50 ft. north of 37th avenue (Block 636, Lot 43), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Frank A. Gunther and Anthony Lombardi.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (448-43-A)

WHEREAS, Anthony Lombardi, for Radio Engineering Laboratories, owner, filed September 18, 1943, an appeal from a decision of the borough superintendent, affecting premises 36-40 37th street, west side, 349.50 ft. north of 37th avenue (Block 636, Lot 43), Long Island City, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated September 17, 1943, on Alt. Applic. 1216-43, reads:

"1. The area of the building is excessive for a structure that is higher than either 30 ft. or 2 stories (Sec. 4.2.1.—Building Code)."

and

WHEREAS, the applicant states that the building is one story (17 ft.) in height, 100.08 ft. by 100-10 ft. in area; of Class 3 construction; erected 1924; occupied for radio manufacturing on the first floor, 100 persons, for which Certificate of Occupancy 26783 was issued July 10, 1942, permitting the use of the 1st floor for radio manufacturing, with an occupancy of 50 persons, and that the building is located in an unrestricted use, B area district; and

WHEREAS, it is proposed to add a second story, covering approximately 72% of the plot area and third story covering approximately 60% of the plot area, as indicated on drawing filed with this appeal; and

WHEREAS, the applicant contends that the borough superintendent has objected to the erection of the third story, due to excessive floor area for non-fireproof building over 2 stories or 30 ft. in height; that the plant is engaged in the manufacture of extremely vital precision instruments and requires additional floor space, which it is impossible to obtain in the neighborhood of the plant; that the plant has many contracts for the U. S. Navy and the War Department, which must be completed by the end of December, 1943.

Resolved, that the decision of the borough superintendent, acting on Alt. Applic. 1216-43, be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to objection 1, *on condition* that the building shall not exceed a height of 41 feet to the top of the roof beams and that the area of the third story shall not exceed 5,000 square feet; that the windows opening upon interior courts shall be of approved glass block with a fire-resistive rating of $\frac{3}{4}$ hour or approved fireproof self-closing windows; that the ceilings

throughout shall be fire-retarded with metal lath and cement plaster; that the building shall not be otherwise increased in height or area and that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

185-43-A

APPLICANT—Allan L. Church, for Armstrong and Hess, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—330 Greenwich street, west side, 25 ft. south of Jay street (Block 142, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: Allan L. Church.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (185-43-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 330 Greenwich street, west side, 25 ft. south of Jay street (Block 142, Lot 16), Borough of Manhattan, was granted by the Board on July 13, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted on July 13, 1943, by adding thereto:

"that the drainage of the marquee may be as now provided, provided the downspout is located so as to drip to the gutter, to the satisfaction of the borough superintendent."

296-43-A

APPLICANT—Allan L. Church, for Estate of P. F. T. Hansen, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—336 Greenwich street, west side, 26 ft. 5 in. north of Jay street (Block 182, Lot 16), Borough of Manhattan.

APPEARANCES—For Applicant: Allan L. Church.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (296-43-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 336 Greenwich street, west side, 26 ft. 5 in. north of Jay street (Block 182, Lot 16), Borough of Manhattan, was granted by the Board on July 27, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted on July 27, 1943, by adding thereto:

"that the drainage of the marquee may be as now provided, provided the downspout is located so as to drip to the gutter, to the satisfaction of the borough superintendent."

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297-43-A

APPLICANT—Allan L. Church, for Estate of P. F. T. Hansen, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—356 Greenwich street, west side, 75 ft. 10 in. south of Franklin street (Block 183, Lot 14), Borough of Manhattan.

APPEARANCES—

For Applicant: Allan L. Church.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (297-43-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 356 Greenwich street, west side, 75 ft. 10 in. south of Franklin street (Block 183, Lot 14), Borough of Manhattan, was granted by the Board on July 27, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted on July 27, 1943, by adding thereto:

"that the drainage of the marquee may be as now provided, provided the downspout is located so as to drip to the gutter, to the satisfaction of the borough superintendent."

Adjourned: 3:00 P.M.

JOSEPH J. DOYLE, Chief Clerk.

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held on April 27, 1943, as they appeared in Bulletin No. 18, Vol. 28, are hereby corrected to read as follows:

THE RESOLUTION (54-43-A)

WHEREAS, Associated Photo Service Co., for Ann Evans, owner, filed February 10, 1943, an appeal from an order of the fire commissioner; premises 4817 Avenue N, north side, 40 ft. west of East 49th street (Block 7873, Lot 3), Borough of Brooklyn; and

WHEREAS, order 82313-C, issued by the Fire Commissioner January 22, 1940 and repeated in his decision of January 26, 1943, reads:

"A recent inspection of your premises, occupied as a laboratory for the development of film has shown that the following must be done in the interest of public safety:

All order issued under C-19-110.

7. Provide a sprinkler system in the premises. Sprinkler system may be connected to the house water supply. Size and location of piping and heads must be approved by the Fire Department.

and

WHEREAS, the applicant states the building is two stories in height, 20 ft. by 65 ft. in area; Class 3 construction; erected in 1926; located in a business use district and occupied: cellar, vacant; 1st floor, photo store, 2 persons; 2nd floor, dwelling, two families, for which Certificate of Occupancy 36864 was issued December 1, 1925; and

WHEREAS, the applicant contends that he has occupied the 1st floor of premises since 1935 for development and

printing of films picked up from stores; that there is no processing of motion picture films on the premises; that he has complied with all items of the order except No. 7 which is appealed; that due to existing conditions it is impossible to comply with the requirements for the installation of sprinklers and therefore requests this requirement be suspended for the duration of the war or until such time as it can be complied with; that in lieu of the installation of sprinklers, it is proposed to provide additional water pails or sand or other precautionary measures as may be available.

Resolved, that the decision of the fire commissioner, Order 82313-C, Objection 7, be and it hereby is modified and that the appeal be and it hereby is granted on condition that a sprinkler system shall be installed which may be connected to the house water supply provided such water supply is not less than ¾-in.; that no siamese or interior alarm need be installed; that sprinkler heads previously used may be installed, provided such heads are in workable condition satisfactory to the fire commissioner; that in all other respects, the requirements of Order 82313-C shall be complied with and that such sprinkler protection shall be in the portion of the premises where film is processed.

*Correction—The words "and that such sprinkler protection shall be in the portion of the premises where film is processed," added to the end of the resolution.

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held on June 29, 1943, as they appeared in Bulletin No. 27, Vol. 28, are hereby corrected to read as follows:

188-43-A

APPLICANT—Peter A. Strobel, for Defense Plant Corporation of U. S. A., owner (Republic Steel Corporation, agent.)

SUBJECT—Application for consideration—reopening and amendment to resolution—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—160 Scott avenue, southeast corner of Scholes street (Block 2972, Lot 125), Borough of Brooklyn.

APPEARANCES—

For Applicant: Walter C. Knight.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (188-43-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 160 Scott avenue, southeast corner of Scholes street (Block 2972, Lot 125), Borough of Brooklyn, was granted by the Board on May 18, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted May 18, 1943, by adding thereto:

"that this variance shall include all black steel water piping throughout the building beyond the meter * * *."

*Correction—The word "white" changed to "black steel" in the next to the last line of the resolution.

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CERTIFICATE OF OCCUPANCY RULES

(TENTATIVE DRAFT)

RULES COVERING THE REQUIREMENTS FOR THE USE, OCCUPANCY OR CONSTRUCTION OF ANY PREMISES IN COMPLIANCE WITH EXISTING LAWS, RULES AND REGULATIONS.

(Cal. No. 40-32-SR)

Note: A tentative draft of these proposed rules is published at this time, to permit study and suggestions. Later, a public hearing will be held, notice of which will appear in the Bulletin. Suggestions will be welcomed.

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, Par. 2, Section 646 of the Charter of the City of New York and C26-189.0 and C26-181.0 through C26-188.0 of the Administrative Building Code.

Scope:

A Certificate of Occupancy once lawfully issued is a certification that the building, its occupancy and use comply with all laws, rules and regulations applicable thereto. The issuance of such certificate of occupancy puts all persons on notice as to the legality of the structure, occupancy and use as of the date of its issuance. When issued under these premises, interested persons may rely on its integrity and finality as to compliance with all laws, rules and regulations which were applicable at the time of its issuance.

It is therefore important that these certificates be issued only after a complete examination has been made of filed data as to the structure, occupancy, and use of the entire premises and are found to comply with the then existing laws, rules and regulations as of the date of such issuance. The purpose of these rules is to emphasize the basis under which a certificate of occupancy may be properly issued.

Rule 1. Excerpts from Laws Pertaining to Certificates of Occupancy.

1.1 New York City Charter.

§ 645 a. (3). The Superintendent shall have exclusive power: to issue certificates of occupancy for any building or structure situated in his borough.

§ 646 a. No building or structure hereafter constructed may be occupied or used in whole or in part for any purpose until a certificate of occupancy has been issued.

b. No building or structure or part thereof for which a certificate of occupancy has not been previously issued or required shall be occupied or used for any purpose whatever in case such building shall hereafter be altered or converted so as to decrease or increase the number of living rooms or apartments, until a certificate of occupancy has been issued.

c. No building hereafter altered or converted from one class to another class shall be occupied or used for any purpose whatever in case such building was vacant during the progress of the work. In case such an alteration does not necessitate the vacation of the building during the progress of the work, the occupancy or use of the building shall not continue more than thirty days after the completion of such alteration, unless a certificate of occupancy has been issued.

d. A certificate of occupancy of a building or structure shall certify that such building or structure conforms to the requirements of all laws, rules, regulations and orders applicable to it and shall be in such form as the Board of Standards and Appeals shall authorize.

e. A certificate of occupancy shall not be issued for the occupancy of a building as a multiple dwelling not previously authorized to be used or occupied as a multiple dwelling as defined in the Multiple Dwelling Law, unless the Division of Housing shall have certified in writing after an inspection of such building that such occupancy is lawful.

f. No certificate of occupancy shall be issued for any building, structure, enclosure, place or premises wherein containers for combustibles, chemicals, explosives, inflammables and other dangerous substances, articles, compounds or mixtures are stored or wherein automatic or other fire alarm systems or fire extinguishing equipment are required by law to be or are installed, until the fire commissioner has tested and inspected and has certified his approval in writing of the installation of such containers, systems or equipment to the superintendent of the borough in which the installation has been made. Such approval shall be recorded on the certificate of occupancy.

g. Every certificate of occupancy shall, unless and until set aside or vacated by the Board of Standards and Appeals or a court of competent jurisdiction, be and remain binding and conclusive upon all agencies and officers of the city, and shall be binding and conclusive upon the Department of Labor of the State of New York, as to all matters therein set forth, and no order, direction or requirement at variance therewith shall be made or issued by any agency or officer of the city, nor by the Department of Labor of the State of New York, or any commissioner, board, officer or member thereof.

h. The superintendent of the borough in which a building or structure is located may, on request of the owner or his authorized representative, issue a temporary certificate of occupancy for any part of such building or structure, provided that such temporary occupancy or use would not in any way jeopardize life or property; but no such temporary certificate shall be issued in the case of a multiple dwelling unless and until certificates are issued pursuant to subdivisions e and f of this section.

i. The term "class" as used in this chapter refers to the classification of buildings in the Building Code or local law regulating building as it may be amended from time to time and shall be deemed to refer also to the terms "class" or "kind" as used in the Multiple Dwelling Law where such law is affected.

1.2 Extracts from Zoning Resolution of New York City.

§ 6 a. Existing Buildings and Premises. (a) Any use existing in any building or premises on July 25, 1916, and not conforming to the regula-

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tions of the use district in which it is maintained, may be continued therein except as provided in § 21-A. No then existing building designed, arranged, intended or devoted to a use not permitted by this article in the district in which such use is located shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted in the district in which such building is located. Such building may, however, be reconstructed or structurally altered to an extent not greater than 50 per cent of the value of the building, exclusive of foundations, provided that no use in such building is changed or extended.

b. Any use existing in any building or premises lawfully established subsequent to July 25, 1916, and not conforming to the regulations of the use district in which it is maintained, may be continued therein except as provided in 21-A.

§ 22. **Unlawful Use; Certificate of Occupancy.** It shall be unlawful to use or permit the use of any building or premises or part thereof thereafter created, erected, changed or converted wholly or partly in its use or structure until a certificate of occupancy to the effect that the building or premises or the part thereof so created, erected, changed or converted and the proposed use thereof conform to the provisions of this resolution shall have been issued by the Department of Housing and Buildings. In the case of such buildings or premises it shall be the duty of the Department of Housing and Buildings to issue a certificate of occupancy within ten days after a request for the same shall be filed in its office by any owner of a building or premises affected by this resolution, provided said building or premises or the part thereof so created, erected, changed or converted and the proposed use thereof conform with all the requirements herein set forth. Under rules and regulations of the Board of Standards and Appeals a temporary certificate of occupancy for a part of a building may be issued by the Department of Housing and Buildings. Upon written request from the owner, the Department of Housing and Buildings shall issue a certificate of occupancy for any building or premises existing at the time of the passage of this resolution certifying after inspection the use of the building or premises and whether such use conforms to the provisions of this resolution.

1.3 Extracts from Administrative Building Code. Article 3, Sub-article 1, Group 3--Certificate of Occupancy.

C26-181.0 Certificates of occupancy for new structures.

a. It shall be unlawful to occupy or use any structure erected after January 1st, nineteen hundred thirty-eight, in violation of section six hundred forty-six, subdivision a of the charter. The superintendent shall issue a certificate of occupancy, in such form as may be authorized by the board, certifying that such structure conforms substantially to the approved plans and specifications and the requirements of the laws governing building construction applicable to structures of the class and kind of such structure.

b. A certificate of occupancy shall be issued only in conformity with section six hundred forty-six, subdivision c of the charter.

c. A certificate of occupancy shall be issued in conformity with section six hundred forty-six, subdivision f of the charter.

C26-182.0. Temporary Certificate of Occupancy.—The superintendent may issue a temporary certificate of occupancy for part of a structure, pursuant to section six hundred forty-six, subdivision h of the charter. Original temporary certificates of occupancy may be granted for periods of not more than ninety days and be subject to renewal by the superintendent for similar periods of not more than ninety days at his discretion.

C26-183.0. Occupancy of Altered Structures.—a. It shall be unlawful to occupy or use in whole or in part, for any purpose whatever, any structure altered after January first, nineteen hundred thirty-eight, which was vacant during the progress of the work of alteration until a certificate of occupancy shall have been issued by the superintendent, certifying that the work for which the permit was issued has been completed substantially in accordance with the approved plans and specifications and the provisions of the laws governing building construction applying to such an alteration.

b. In case such structure has been substantially altered so as to affect any existing means of egress or has been converted or altered from one class to another class or has been converted or altered so as to increase the number of living rooms or apartments in the building and such alteration does not necessitate the vacation of the building during the progress of the work, the occupancy or use of the building shall not continue more than thirty days after the completion of such alteration, unless a certificate of occupancy has been issued by the superintendent. The term "class" as used herein refers to the classification of buildings in this title and also to the terms "class and kind" as used in the Multiple Dwelling Law when such law is affected.

C26-184.0. Occupancy of Existing Structures.—The legal occupancy and use of any structure existing on January first, nineteen hundred thirty-eight, may continue, except as may be specifically prescribed by this title or as may be necessary for the safety of life, health or property. Upon written request from the owner, the superintendent shall issue a certificate of occupancy for any structure existing on January first, nineteen hundred thirty-eight, certifying, after verification by inspection, such occupancy or use of such structure provided that at the time of issuing such certificate there are no notices of violation, or other notices or orders, pending in the department.

C26-185.0. Change of Occupancy.—It shall be unlawful to make any changes of occupancy or use of any structure if such change is inconsistent with the last issued certificate of occupancy. It shall be unlawful to make any change of occupancy in a structure, existing on January first, nineteen hundred thirty-eight, which would bring it under some special provision of the laws governing building construction, unless a certificate is issued by the superintendent certifying that such structure conforms to the provisions of the laws governing building construction for the proposed new occupancy and use and that the proposed use will not be in conflict with any provisions of the Labor Law, Multiple Dwelling Law or the Building Zone Resolution.

C26-186.0. Contents of certificates of occupancy.—In addition to the certification, required by the article, of compliance with the approved plans and application and with the provisions of

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laws governing building construction, each certificate of occupancy shall state the purposes for which the structure may be used in its several parts, the maximum permissible live loads on the several floors, the number of persons which may be accommodated in the several stories and any special stipulations of the permit.

C26-187.0. Affidavits accompanying applications for certificates of occupancy.—a. Applications to the superintendent for a certificate of occupancy for a structure, the plans for which were accompanied by an affidavit as required by section C26-161.0, may be accompanied by an affidavit of the licensed architect or licensed professional engineer who filed the original plans or of the licensed architect or licensed professional engineer who supervised the construction of the work.

b. In case the application for the certificate of occupancy is not accompanied by the affidavit of the licensed architect or licensed professional engineer who filed the original plans or who supervised the construction work, it shall be accompanied by the affidavit of a superintendent of construction who supervised the construction work and who has had at least ten years' experience in supervising building construction work.

c. The affidavit of a licensed architect, licensed professional engineer or superintendent of construction who supervised the construction, shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought, and that to the best of his knowledge and belief the structure has been erected in accordance with the approved plans, and as erected complies with the laws governing building construction, except in so far as variations therefrom have been legally authorized. Such variations shall be specified in the affidavit.

C26-188.0. Issuance and filing of certificate of occupancy.—a. The superintendent shall issue certificates of occupancy for a structure within ten days after written application therefor, if at the date of such application such structure shall be entitled thereto. A record of all certificates shall be kept in the department and copies shall be furnished, on request and on the payment of a fee of fifty cents per copy, to any person having a proprietary interest in the structure affected.

b. Certificates of occupancy for structures erected after January first, nineteen hundred thirty-eight, shall be issued only after the floor load signs, required by Section C26-343.0 have been installed.

C26-718.0. Certificate of occupancy for the use of roofs.—It shall be unlawful to use the roof of any structure, including factories and multiple dwellings, for witnessing contests, games, exhibitions, amusements or similar spectacles, or as a place of public assembly for any purpose, unless such structure or such part thereof has been designated in its certificate of occupancy as a place to be used for such purposes.

1.4 Extract from Multiple Dwelling Law.

§ 301. Certificate of compliance or occupancy.

No tenement house shall hereafter be occupied in whole or in part for human habitation until the issuance of a certificate by the department charged with the enforcement of the tenement house law or of this chapter that said building conforms in all respects to the requirements of

the tenement house law or of this chapter. No building hereafter constructed as or altered or converted into a multiple dwelling shall be occupied in whole or in part for human habitation until the issuance of a certificate by the department charged with the enforcement of this chapter that said building conforms in all respects to the requirements of this chapter. Such certificate shall be issued within ten days after written application therefor if said building at the date of such application shall be entitled thereto. Such a certificate, or the record in the department aforesaid that such a certificate has been issued or a statement signed by the head of such department that such a certificate has been issued, may be relied upon by every person who in good faith purchases a multiple dwelling or who in good faith lends money upon the security of mortgage covering such dwelling. Whenever any person prior to the issuance of such certificate, conformed in all respects to the provisions of this chapter shall be made against such person or against the interest of such person in a multiple dwelling to which such a certificate applies or concerning which such a statement has been issued.

2.0 General.

2.1 If a certificate is requested for any use of premises or building existing prior to March 14, 1916, and which has been duly inspected and found to have been so used and occupied or arranged to be so used and occupied prior to March 14, 1916, and since that date there has been no alteration or conversion to a use or occupancy that changed its classification as defined in the Administrative Building Code or the Zoning Law, and that, so long as the building is not altered, except in accordance with all laws applicable thereto, the existing use and occupancy may be continued and a certificate therefor may be issued.

2.2 Irrespective of the provisions of C26-184.0, any use or occupancy of any building or premises existing prior to March 3, 1916 for which no certificate of occupancy was then required or any building or premises thereafter devoted to a use or occupancy which complied with all laws, rules and regulations at the time such occupancy or use of such building or premises was established, is entitled upon application to the department of housing and buildings, to receive a certificate of occupancy as of the then date for the then lawful use. No certificate for such building or premises shall, however, be issued as of a later date unless the use has been continued without change and no violations of law exist or until all violations of law have been corrected.

2.3 Any certificate of occupancy heretofore issued which does not definitely state the then existing use and occupancy shall be deemed by implication to mean that the use and occupancy of the premises at the time of the issuance of the certificate of occupancy was lawful under all the then existing laws.

2.4 Not more than one certificate of occupancy shall be issued for any one building or for the use of land irrespective of the existence of mixed occupancy.

No certificate of occupancy shall be issued for a use or occupancy lawfully accessory to

NOTICE

the basic use but a notation of same may be included on the certificate.

- 2.5 Whenever the occupancy in number of persons is given on the certificate of occupancy floor by floor, such occupancy as given therein shall be based on the maximum capacity of the floors, including the legal allowances for exits, fire protection, ventilation and equipment of the structure irrespective of whether the actual occupancy may be less than would be permitted by law.
- 2.6 Unless with the approval of the borough superintendent, the superimposed, uniformly distributed loads, or concentrated loads producing the same stresses in the construction in any story shall not exceed the live loads specified on the certificate of occupancy; the number of persons of either sex in any story shall not exceed that specified when sex is indicated, nor shall the aggregate number of persons in any story exceed the specified total; and the use to which any story may be put shall be restricted to that fixed by this certificate except as specifically stated. When such changes are lawfully made a superseding certificate of occupancy shall be obtained.
- 2.7 Unless an approval for the same has been obtained from the borough superintendent, no change or rearrangement in the structural parts of the building, or affecting the light and ventilation of any part thereof, or in the exit facilities, shall be made; no enlargement, whether by extendment on any side or by increasing in height shall be made; nor shall the building be moved from one location or position to another; nor shall there be any reduction, diminution or change of the area of the lot or plot on which the building is located. Upon completion, a superseding certificate of occupancy shall be obtained.
- 2.8 The building or any part thereof or the premises shall not be used or occupied for any purpose other than that for which it is certified.
- 2.9 The certificate does not in any way relieve the owner or owners or any other person or persons in possession or control of the building or any part thereof, from obtaining

such other permits, licenses or approvals as may be prescribed by law for the uses or purposes for which the building is designed or intended; nor from obtaining the special certificates required for the use and operation of elevators nor from the installation of fire alarm systems where required by law; nor from complying with any lawful order for additional fire extinguishing appliances under the discretionary powers of the fire commissioner; nor from complying with any lawful order issued with the object of maintaining the building in a safe or lawful condition; nor from complying with any authorized direction to remove encroachments into a public highway or other public place, whether attached to or part of the building or not.

- 2.10 If the certificate is marked "Temporary," it is applicable only to those parts of the building indicated on its face, and certifies to the lawful use and occupancy of only such parts of the building or premises; it is subject to all the provisions and conditions applying to a final or permanent certificate; it is not applicable to any building under the jurisdiction of the Housing Division unless it is also approved and endorsed by them, and it must be replaced by a final certificate at the date of expiration.
- 2.11 Each certificate of occupancy when issued by the department of housing and buildings shall contain a pertinent answer to every item listed therein and shall include an answer to every question. The terminology to be used in answer to all questions appearing on the certificate of occupancy shall be consistent with that used in the Charter, the Administrative Building Code and the Zoning Law. Upon the issuance of a superseding certificate of occupancy, all existing certificates of occupancy shall be surrendered and marked "void" and kept in the records of the department of housing and buildings.
- 2.12 No final certificate of occupancy shall be issued until all the work has been completed under permits and plans and all subsequent amendments thereto have been fully carried out in compliance with the plans and specifications and all applicable laws.

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the Board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication of this BULLETIN of the calendars of the Board, each case being set down by Calendar Number and the premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the

offices of the Board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the Board is to dispose of all cases promptly; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

NOTICE

FORMS FOR NOTICE TO PROPERTY OWNERS

REVISED CERTIFICATE OF OCCUPANCY FORM APPROVED BY THE
BOARD OF STANDARDS AND APPEALS, JULY 12, 1938 (CAL. NO. 40-32-SR).

DEPARTMENT OF HOUSING AND BUILDINGS BOROUGH OF , CITY OF NEW YORK

No.

Date

CERTIFICATE OF OCCUPANCY

(Standard form adopted by the Board of Standards and Appeals and issued pursuant to Section 646 of the New York City Charter, and Sections C.26-181.0 to C.26-187.0 inclusive, Administrative Code (2.1.3.1 to 2.1.3.7 B.C.)

This certificate supersedes C.O. #

To the owner or owners of the building or premises:—

THIS CERTIFIES that the new—altered—existing—building—premises located at

Block , Lot conforms substantially to the approved plans and specifications, and to the requirements of the building code and all other laws and ordinances, and of the rules and regulations of the Board of Standards and Appeals, applicable to a building of its class and kind at the time the permit was issued; and CERTIFIES FURTHER that, any provisions of section 646F of the New York City Charter have been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent.

N.B. or Alt. No.

. Construction classification

Occupancy classification

. Height stories, feet.

Date of completion

. Located in Use District

Area

. Height

. Zone at time of issuance of permit

THIS CERTIFICATE IS ISSUED SUBJECT TO THE LIMITATIONS HEREINAFTER SPECIFIED AND TO THE FOLLOWING RESOLUTIONS OF THE BOARD OF STANDARDS AND APPEALS:

(Calendar numbers to be inserted here)

PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOADS LBS. PER SQ. FT.	PERSONS ACCOMMODATED			USE
		MALE	FEMALE	TOTAL	

.....
Borough Superintendent

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such

copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

THE BUILDING LAWS

Now on Sale

THE VARIOUS BUILDING LAWS OF THE CITY OF NEW YORK ARE NOW published in FOUR SEPARATE VOLUMES, consisting of matters affecting or relating to the construction, maintenance, alteration, demolition or removal of structures and buildings in the City of New York; including excerpts from the STATE LABOR LAW, the PLUMBING CODE, ELEVATOR RULES, THE NEW YORK CITY CHARTER, the complete BUILDING CODE OF THE CITY OF NEW YORK; the MULTIPLE DWELLING LAW, the STATE PLASTERING LAW, various local laws, and building and construction rules and regulations adopted by various City and State agencies.

These volumes are now ON SALE at the office of the Supervisor of the City Record, ROOM 2213, MUNICIPAL BUILDING, MANHATTAN, NEW YORK CITY. The price for the complete set of four volumes is \$4 (\$4.10 by mail), single volumes each containing certain parts of the above described legislation, \$1 (by mail \$1.10).

NEW LOCAL LAW

No. 29

A LOCAL LAW

TO AMEND THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, IN RELATION TO PLACES OF ASSEMBLY, GENERALLY.

Be it enacted by the Council as follows:

Section 1. Section C26-116.0 of the administrative code of the city of New York is hereby repealed and re-enacted to read as follows:

§ C26-116.0 **Place of assembly.**—The term “place of assembly” shall mean a room or space which is occupied by seventy-five or more persons and which is used for educational, recreational or amusement purposes and shall include assembly halls in school structures; dance halls; cabarets; night clubs; restaurants; any room or space used for public or private banquets, feasts, socials, card parties or weddings; lodge and meeting halls or rooms; skating rinks; gymnasiums; swimming pools; billiard, bowling, and table tennis rooms; halls or rooms used for public or private catering purposes; funeral parlors; markets; recreation rooms; concert halls; broadcast studios; school and college auditoriums; and all other places of similar type of occupancy. Nothing in this section shall be construed to apply to instruction rooms, libraries, lecture rooms, recreation rooms, lunchrooms or classrooms in elementary or high schools, as defined in section C26-132.0 of this code, or in colleges which are licensed to operate by the state board of regents, when such rooms are used solely and exclusively by the students of such schools or colleges.

The term “licensed place of public assembly” as used in this article shall mean any room or space which is used or occupied as a “place of assembly” as defined in this section, when the lawful use, occupancy or operation of such place is contingent upon the issuance of a license by the fire department, the police department or the department of licenses.

Whenever the words “place of assembly” are used in this chapter, such words shall be construed as if followed by the words “or any room or space which is occupied for or is intended, arranged, or designed to be occupied for such use.”

Nothing in this section shall be construed to apply to any room or space used exclusively for dwelling purposes in a private dwelling as defined in section C26-122.0 of this code or used exclusively for dwelling purposes as defined in subdivision one of section four of the multiple dwelling law, nor shall this section be applicable to places of incarceration, an asylum, a convent, a monastery, a church, a synagogue, or a theatre, motion picture theatre, opera house or concert hall subject to and complying with the provisions of article thirteen of this code and which are required to obtain a license as a “licensed place of public assembly.”

§ 2. Such code is hereby amended by adding thereto a new section, to follow section C19-165.1, to be section C19-165.2, to read as follows:

§ C19-165.2. **Smoking prohibited in retail stores.**—It shall be unlawful for any person to smoke or carry a lighted cigar, cigarette, pipe or match or use any spark, flame or fire-producing device which has not been authorized for use by the commissioner in any existing or newly created retail store which is designed and arranged to accommodate more than three hundred persons, or in which more than twenty-five persons are employed. Designated smoking and rest rooms, restaurants, executive offices and beauty parlors in such retail stores shall be exempted from this prohibition. Any person who shall violate, or refuse, or neglect to comply with any provision of this section shall, upon conviction thereof, be punished by a fine of not less than ten dollars and not more than one hundred dollars, or by imprisonment not exceeding thirty days, or by both.

§ 3. Title C of chapter twenty-six of such code is hereby amended by adding thereto a new article, to follow article seventeen, to be article eighteen, to read as follows:

ARTICLE 18

Places of assembly

SUB-ARTICLE 1

General provisions governing places of assembly

§ C26-1437.0 **Application.**—Except as otherwise provided in the administrative code of the city of New York, the provisions of this article shall apply to any new room, space or portion of a premises, or to any room, space or portion of a premises existing as or hereafter altered or converted to use or occupancy as a “place of assembly.”

§ C26-1438.0 **Egress.**—a. The means of egress in such places of assembly shall be in conformity with the provisions of this chapter relating to buildings of like classification, area, height, use and occupancy, except, however, that in all cabarets as defined in paragraph three of subdivision a of section 436-1.0 of this code the greatest distance of travel from any portion of such cabaret to a required means of egress shall not exceed seventy-five feet.

b. In all places of assembly there shall be aisles providing proper access to all required means of egress. Such required aisles shall not be obstructed in any manner whatsoever and shall be not less than three feet in width.

c. No required means of egress in a place of assembly hereafter created shall be permitted through any room or space used as a kitchen or service pantry or for the preparation of food. In an existing “place of assembly” an existing means of egress through a room or space used as a kitchen or service pantry or for the preparation of food may be accepted by the department under such conditions as may be prescribed and approved by the department.

d. The provisions of subdivision a of this section limiting to seventy-five feet the greatest distance of travel from any portion of any room or premises used as a cabaret to a required means of egress shall not apply to existing legal cabarets as defined in paragraph three of subdivision a of section 436-1.0 of this code, provided, however, that the means of egress from such cabaret is in conformity with the provisions of this chapter relating to buildings of like classification, area, height, use and occupancy.

e. The owner of each place of assembly shall submit to the department a diagram indicating the arrangement of tables, chairs, seats, dancing space, platforms, aisles and means of egress. Diagrams which have been approved by the department shall be kept on the premises for which the approval has been granted and shall be readily available for inspection. Such diagrams shall be filed with the department within sixty days after the date when this article becomes effective.

No place of assembly shall be occupied until a diagram indicating the basic arrangement of aisles has been approved by the department, and the use of any arrangement not approved by the department is prohibited.

f. The provisions of paragraph e of this section relating to the submission and approval of diagrams shall not apply to assembly rooms or auditoriums in elementary or high schools as defined in section C26-132.0 of this code or in colleges which are licensed to operate by the state board of regents; provided, however, that seats in such assembly rooms or auditoriums are stationary.

NEW LOCAL LAW

§ C26-1439.0 **Number of persons, limited.**—The number of persons permitted to occupy a place of assembly shall be as approved by the department of housing and buildings and shall be in conformity with the provisions of this chapter relating to buildings of like classification, area, height, use and occupancy.

§ C26-1440.0 **Capacity of premises to be posted conspicuously.**—a. In every room or in any portion of a premises or building which is used as a place of assembly there shall be conspicuously posted signs indicating the number of persons who may legally occupy said room or space. Such signs shall read as follows:

OCCUPANCY
BY MORE THAN
..... PERSONS IS
DANGEROUS
& UNLAWFUL

..... Commissioner,

Department of Housing and Buildings, City of New York.

b. Such signs shall be twenty inches in width by twenty-four inches in length. The lettering thereon indicating the lawful occupancy shall be of bold gothic type in red on a background of white, shall be not less than two inches in height and the numerals shall be two and three-eighths inches in height, and such lettering and numerals shall be properly spaced to provide good visibility.

c. Such signs shall be illuminated, shall be durable, and shall be substantially secured to wall or partition.

d. Such sign shall be located at the main entrance to such space or room so as to be conspicuously visible to a person entering such space or room.

§ C26-1441.0 **Lighting systems.**—During all periods when a place of assembly is occupied such place shall be illuminated by sufficient natural or artificial light to permit a person to read in every portion thereof nine-point print of the kind generally used in the average daily newspaper. Dance halls when in use, shall be so illuminated that every person present may be plainly seen from any point in the hall. When required, artificial light shall be provided through electrical circuits and shall be maintained in continuous operation.

§ C26-1442.0 **Exit signs.**—a. In every such place of assembly the required means of egress shall be indicated by signs reading "EXIT". Letters on such signs shall be eight inches in height and such letters shall be properly spaced so as to be easily read at a distance of seventy-five feet.

b. Each such exit sign shall be illuminated by a red light of not less than twenty-five watts or equivalent photometric rating.

c. In any such place of assembly where doors, openings or passageways providing access to required means of egress are not visible from all portions of such room or premises, illuminated directional signs shall be installed in conspicuous locations in such room or premises, indicating the direction of travel to the required means of egress.

d. Such directional signs shall be of the same dimensions as specified in this section for exit signs.

e. It shall be unlawful to obscure in any manner any required means of egress, passageway, exit sign, exit light or directional exit sign.

§ C26-1443.0 **Independent circuit for illuminated exit lights and directional signs in "licensed places of public assembly."**—Notwithstanding any other provision contained in this chapter, the illumination of all exit lights and directional signs required under the provisions of this article in all "licensed places of public assembly" which have been approved by the department charged with the enforcement

of this chapter for occupancy by more than two hundred and fifty persons shall be provided through circuits separated from the general lighting and power circuits. Such installations shall be in conformity with the provisions of title B of chapter thirty of this code.

§ C26-1444.0 **Safety.**—a. The superintendent, in his discretion, may require that any opening from a space used as a kitchen or service pantry or for the preparation of food in a place of assembly be protected with a self-closing door or other device when in his opinion such protection is necessary for the safety of the occupants and to prevent the spread of fire. Any door installed for such purpose may be provided with a vision panel of clear wire glass or of plate glass not less than one-quarter of an inch in thickness.

b. In all places of assembly in which food is cooked or prepared for service in such place, the hoods over ranges and the flues for such ranges shall be thoroughly cleaned at least twice each year. A record indicating the person or firm which completed such cleaning process and the date when such flues were cleaned shall be kept on the premises and shall be available for examination.

§ C26-1445.0 **Dressing rooms.**—a. In places of assembly in which dressing rooms are provided for performers, such dressing rooms shall be equipped with sprinklers as prescribed by the superintendent. Water supply for such sprinklers may be taken from the domestic water service of the building.

The provisions of this subdivision shall not apply to guest rooms in hotels when such guest rooms used for the accommodation of performers are separate and remote from that part of the premises used as a place of assembly.

b. All dressing rooms used by performers shall be provided with adequate means of egress as prescribed by the superintendent.

§ 26-1446.0 **Revolving doors prohibited.**—a. No class B revolving door shall be permitted in any place of assembly.

b. It shall be unlawful to install a revolving door or continue the use of an existing revolving door in any exit opening from a place of assembly, except that:

1. A supplemental revolving door may be installed or maintained immediately adjacent to a required exit.

2. Where the occupancy is less than one hundred and fifty persons one of the required exits may be through a revolving door provided there is immediately adjacent thereto an outwardly swinging door of at least twenty-eight inches in width and provided further that there is another required exit from such place of assembly.

c. The provisions of this section shall not apply to street exit doors in class 1, class 2 or class 3 structures where there intervenes, between the place of assembly and said exit doors, areas of safety into which exits of the place of assembly discharge. Said areas shall be public stairhalls, exit corridors or similar protected areas adequate, under the provisions of article seven of this code, for the accommodation of all the occupants of the building including those of such place of assembly.

d. All type A revolving doors shall be cleaned, lubricated, and maintained in proper working order. Tests shall be made each month so that in the event of an emergency such doors may fold back in conformity with the provisions of section C26-287.0 of this code.

A record, indicating the name of the person or firm which made such tests and the date on which such tests were conducted, shall be kept on the premises and shall be available for inspection.

During the period of World War No. 2 and one year thereafter, nothing contained in this section shall be construed to preclude the use of revolving doors in places of assembly other than cabarets or dance halls if such revolving doors legally existed therein on January first, nineteen hundred forty-three, provided, however, that adjacent to such revolving doors there are required means of egress equipped

NEW LOCAL LAW

with outwardly swinging doors and further provided that in the opinion of the superintendent no undue hazard will result therefrom.

§ C26-1447.0 **Approval required, permits, fees.**—a. It shall be unlawful to use or occupy any building or portion of a building or premises as a place of assembly unless an application for such use or occupancy has been filed with and approved by the department.

b. Application forms and permits required under this section shall be provided by the department.

c. The permit issued by the department for such place of assembly shall be kept readily accessible in all such places of assembly.

d. An annual fee of five dollars shall be paid to the department upon the issuance of the required permit for a place of assembly.

e. The provisions of this section relating to the payment of a fee shall not apply to any place of assembly occupied exclusively by a religious, charitable or educational organization no part of the net earnings of which inures to the benefit of any private shareholder or individual, or to any place of assembly for which a fee is collected by any other department of the city, for similar use and occupancy.

f. The issuance of a permit by the department under this article shall be contingent on the approval of the fire commissioner and of the department of water supply, gas and electricity, and, if a license is required under the provisions of section 436-1.0 of this code, the applicant shall also obtain the approval of the police commissioner.

g. A permit issued under the provisions of this article shall not affect application of the provisions of paragraph b of subdivision one of section 487a-1.0 of this code.

§ C26-1448.0 **Date effective.**—a. The provisions of section C26-1437.0 of this article shall become effective immediately.

b. Except as otherwise specifically provided in this article, such changes as may be required under the provisions of sections C26-1438.0, C26-1439.0, C26-1440.0, C26-1441.0, C-26-1442.0, C26-1444.0, C26-1446.0 and C26-1447.0 of this article shall be completed within sixty days from the date on which this article becomes effective.

c. Such changes as may be required under the provisions of sections C26-1443.0 and C26-1445.0 of this article shall be completed within six months from the effective date of this article.

§ C26-1449.0 **Violations, penalties.**—In addition to any other penalty prescribed by this code, any person who shall violate any provision of this article, upon conviction thereof, shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment not exceeding ten days, or by both. Upon a second conviction of such violation the commissioner shall have discretionary power to revoke or suspend any permit issued by the department under the provisions of this article.

If any place of assembly is used or occupied in violation of any provision of this article, whether or not there has been a conviction of any person for such violation, the commissioner may serve notice upon the person charged with having violated such provision, requiring such person to comply with the provisions of this article within ten days after the service of such notice, and if such person fails to comply within said period, the commissioner may serve notice upon such person that a hearing will be held by the said commissioner at a time and place to be fixed in said notice to determine whether or not such violation existed or still exists, and if, after such hearing, at which the person charged with such violation shall be given an opportunity to be heard and present proof, the commissioner determines that such violation continues to exist, he may suspend any permit issued by the department of housing and buildings under the provisions of this article for a period of time not

exceeding three months, and during such suspension it shall be unlawful to use or occupy such portion of the premises as a place of assembly.

§ 4. Section C19-161.1 of such code as added by local law one hundred and twelve of nineteen hundred thirty-nine is hereby amended to read as follows:

§ C19-161.1 **Flame-proofing of decorations, drapes, curtains and scenery.**—It shall be unlawful for any person to use any decoration, drape, curtain and scenery used for artistic enhancement, which is made of combustible material, unless painted or saturated with a non-combustible material or liquid or otherwise rendered safe against fire in accordance with the requirements of the commissioner, in any building of a public character, including a hotel, theatre, restaurant, public hall, department store, and a building used or intended to be used for purposes of public assembly, or licensed places of public assembly, amusement or instruction, and a building where large numbers of persons congregate. The liquids, materials or compounds, as required under the provisions of this section, and their method of application, shall be approved by the board of standards and appeals. Tests for each specific application of originally treated combustible material, or any retests thereof, and the testing of all flame-proofed products, permitted, pursuant to the provisions of this section, shall be as prescribed by, and in accordance with the requirements of the commissioner. Nothing in this section shall permit the use of any wall or ceiling covering or decoration, having an acetate cellulose or nitrate cellulose content, or incapable of being adequately flame-proofed. Nothing in this section shall be construed to apply to merchandise for sale or displayed for sale, or displayed at a business show; to guest rooms in hotels; to offices; to works of art in museums; nor to churches or to places of religious worship.

Nothing in this section shall prohibit the use of cut flowers, fresh cut decorative greens, or natural trees, plants, shrubs or grass, for artistic enhancement or decorative purposes, provided such trees, plants, shrubs or grass, are in soil and are maintained in a healthy condition. Nothing in this paragraph shall permit the use of hemlock, balsam, spanish moss, or other decorative greens, which contain pitch. It shall be unlawful to hang or otherwise maintain fresh cut decorative greens in a place of assembly or licensed places of public assembly upon a combustible framework or base, or by means of a combustible material, or to permit any fresh cut decorative greens to be hung, or maintained, for a period in excess of twenty-four hours.

§ 5. Paragraph three of subdivision a of section 436-1.0 of such code is hereby amended to read as follows:

3. The word "cabaret" shall mean any room, place or space in the city in which any musical entertainment, singing, dancing or other similar amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink. It shall also include any room or space which is used in the catering business and in which any musical entertainment, singing, dancing or other entertainment is permitted.

§ 6. Paragraph one of subdivision d of section 436-1.0 of such code as last amended by local law twenty-five of nineteen hundred thirty-eight is hereby amended to read as follows:

1. The license herein prescribed shall be issued by the commissioner. Application for such license shall be made on a form containing such information as may be determined by the commissioner, and shall be sworn to by the applicant. The fee for each such license shall be one hundred fifty dollars for each year or fraction thereof, provided, however, that a summer seasonal license may be issued for the period commencing on the thirtieth day of May and ending on the thirtieth day of September for which the fee shall be seventy-five dollars.

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If additional rooms are to be used independently by the same applicant in the same premises as a dance hall or cabaret, the applicant shall indicate on the application the location of each and every room or space which is to be used for such purpose. In such case a separate license shall be required for each such additional independent room or space, and the fee for each independent additional room or space shall be five dollars.

§ 7. Paragraph two of subdivision d of section 436-1.0 of such code is hereby amended as follows:

2. A steamship or boat moored or tied to a dock, pier or shore, and which contains a dance hall or cabaret in use, while so moored or tied, shall be required to obtain such license.

§ 8. Paragraph five of subdivision d of section 436-1.0 of such code is hereby amended to read as follows:

5. A license hereunder shall issue only if the place for which it is issued complies with all laws and with the rules and regulations of the department of housing and buildings, the police department, the fire department, the department of health and the department of water supply, gas and electricity, and, in the opinion of the police commissioner, is a safe and proper place to be used as a public dance hall or a cabaret.

§ 9. Subdivision f of section 436-1.0 of such code is hereby amended to read as follows:

f. Suspension and revocation of license. A license may be suspended or revoked by the commissioner for any violation of law or upon the ground that disorderly, obscene or immoral conduct is permitted on the licensed premises. In addition to other penalties provided by law, if any cabaret or dance hall is used or occupied in violation of any provision of section C26-1439.0 or section C26-1440.0 of this code, the commissioner may suspend or revoke the license of any cabaret or dance hall for a period of time not exceeding three months, and during such period of suspension or revocation it shall be unlawful to use or occupy any portion of such premises as a dance hall or cabaret. The commissioner shall cause to be served upon such parties as he may deem to be interested therein such reasonable notice of his intention to revoke such license as he may determine to be proper. There shall be included in or attached to such notice a statement of the facts constituting the violation charged. Licensees shall be entitled to a hearing before the commissioner. If the license of any place be twice revoked within a period of one year, a new license shall be denied to such place for a period of at least one year from the date of the second revocation.

§ 10. Subdivision g of section 436-1.0 of such code is hereby amended to read as follows:

g. Inspection before and after issuing license. A license shall be issued only after the commissioner shall have caused an inspection to be made of the premises to be licensed and not until the commissioner is satisfied that such place complies with all laws and the rules and regulations of the department of housing and buildings, the fire department, the police department, the health department and the department of water supply, gas and electricity in so far as the same are applicable thereto. The commissioner shall also cause to be made such inspections as may be necessary to ascertain whether the places licensed are maintained in compliance

with law. For the purpose of facilitating the inspections prescribed by this section, the commissioner is authorized to call upon the head of any city agency and such agency and its employees shall make such inspections as may be required.

§ 11. Subdivision h of section 436-1.0 of such code is hereby amended to read as follows:

h. Permit for a public dance or ball. Premises licensed hereunder shall be leased or hired out, and used, for the purpose of holding a public dance or ball only after the person intending to hold such public dance or ball shall apply for and receive from the commissioner a permit to hold same. Such permit shall be issued only upon condition that the dance or ball shall be held in accordance with the rules and regulations adopted by the commissioner. The commissioner is authorized to adopt reasonable rules and regulations for the holding of such public dances and balls for the purpose of preventing thereat any fraudulent solicitation of monies or any disorderly or immoral behavior or conduct calculated to disturb the public peace or safety. Application for such permit shall be made to the commissioner upon such forms as he may prescribe. A fee of ten dollars shall be paid for each such permit. Such permit may at any time be revoked by the commissioner in case it appears probable that the public dance or ball for which permit has been issued will not be conducted in accordance with such rules and regulations. A permit pursuant to this section, in the discretion of the commissioner, may provide that such public dance or ball may be continued between four ante meridian and eight ante meridian; and in such case the license issued for the premises in which such public dance or ball is to be conducted shall not be deemed violated by reason of the fact that such premises are open to the public between such hours.

§ 12. Subdivision i of section 436-1.0 of such code is hereby amended by adding thereto a new paragraph, to follow paragraph three, to be paragraph four, to read as follows:

4. A licensee permitting his or its premises to be used for a public dance or ball for a single occasion without first ascertaining that the person holding such public dance or ball has a permit from the police commissioner to conduct such public dance or ball shall be guilty of an offense and shall be punished by a fine of not more than fifty dollars or imprisonment not to exceed thirty days, or both.

§ 13. **Saving clause.**—If any clause, sentence, paragraph, section or part of this law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 14. This local law shall take effect immediately.

THE CITY OF NEW YORK,
OFFICE OF THE CITY CLERK, ss:

I hereby certify that the foregoing is a true copy of a local law passed by the Council of The City of New York, concurred in by the Board of Estimate and approved by the Mayor on July 24, 1943, on file in this office.

H. WARREN HUBBARD,
City Clerk, Clerk of the Council.

NOTICE

Instructions promulgated by the Department of Housing and Buildings for the filing of an application for a "Place of Assembly" appear on the following pages.

NOTICE

DEPARTMENT OF HOUSING AND BUILDINGS BOROUGH OF , CITY OF NEW YORK

NOTICE—This Application must be TYPEWRITTEN and filed in TRIPLICATE.

APPLICATION FOR PERMIT FOR A PLACE OF ASSEMBLY

Under Local Law No. 29, effective July 24, 1943

MISC. APPLICATION NO. 194 BLOCK LOT USE DIST.
LOCATION

NOTE: For instructions as to the requirements and filing of this application, see the other side of this sheet.

SPECIFICATIONS

1. Location of space or room on story
2. Type of occupancy
3. Was above occupancy established prior to January 1, 1938?
4. Maximum number of persons to be accommodated?
5. Has this use been approved by this department? Date
6. State number of different seating arrangements to be used
7. Is fee required to be paid to this department under Sec. C26-1447.0?
8. Present building: Fireproof? Non-fireproof? Frame?

STATE AND CITY OF NEW YORK }
COUNTY OF } ss: being duly
(Typewrite Name of Applicant)

sworn deposes and says: That he resides at Borough of
City of New York; that he is the agent for the (owner-lessee) of the premises above
described, and is duly authorized to make this application for approval of the diagram and specifications herewith submitted,
and made a part hereof, for the work to be done in the building therein described,—with the understanding that if no permit
is issued hereunder within one year from the time of approval, such approval shall expire by limitation as provided by law;
and the applicant agrees to comply with all provisions of the Administrative Code and all laws and regulations applicable
to the use and maintenance of such space in effect at this date; that any work to be done is duly authorized by the owner.
Deponent further states that the full names and residences of the owners or lessees of said premises are:

Owner Address

Lessee Address

Sworn to before me this

day of , 194 (Sign here) Applicant

Notary Public or Commissioner of Deeds

If Licensed Architect or Professional Engineer,
affix seal.

Specify any proposed work to be done under this application:

Has plan been filed for this construction work?

COMPENSATION INSURANCE has been secured in accordance with the requirements of the Workmen's Compensation
Law as follows:

NOTE: Examiner shall indicate from which departments an approval is required before a permit may be issued by this
department. (§C26-1447.0)

EXAMINED AND RECOMMENDED

FOR APPROVAL ON , 194 , Examiner

APPROVED , 194
Borough Superintendent

NOTICE

INSTRUCTIONS

For the Filing of an Application for a "Place of Assembly",
as Required by Local Law No. 29, Effective July 24, 1943.

§C26-116.0 defines a "place of assembly" as a room or space which is occupied by seventy-five or more persons and which is used for educational, recreational or amusement purposes and shall include assembly halls in school structures; dance halls; cabarets; night clubs; restaurants; any room or space used for public or private banquets, feasts, socials, card parties or weddings; lodge and meeting halls or rooms; skating rinks; gymnasiums; swimming pools; billiard, bowling, and table tennis rooms; halls or rooms used for public or private catering purposes; funeral parlors; markets; recreation rooms; concert halls; broadcasting studios; school and college auditoriums; and all other places of similar type of occupancy.

The requirements of some of the important provisions of Local Law No. 29 of 1943 are as follows:

1. A diagram shall be filed, one-eighth-inch scale, indicating the basic arrangement of aisles, exits, etc. (§C26-1438.0)
When such diagram has been approved by the Department, duplicate diagrams shall be filed on cloth. One copy shall be kept on the premises and shall be readily available for inspection.
2. If any required exit is through a kitchen or pantry, indicate same on diagram. Also indicate the maximum distance of travel from any point in such space to the exit doors or stairway. (§C26-1438.0)
3. Indicate on diagram the location of "CAPACITY SIGN" twenty-inches by twenty-four inches, indicating the maximum number of persons to be accommodated. (§C26-1440.0)
4. Indicate on diagram that the room or space used for assembly will be provided with sufficient illumination to permit a person to read nine-point print of the type generally used in a daily newspaper. (§C26-1441.0)
5. Indicate on diagram the location of directional and "EXIT" signs eight inches in height. (§C26-1442.0)
6. The illumination of all exit lights and directional signs in all "licensed places of public assembly" which have been approved for occupancy by more than 250 persons shall be provided through circuits separate from the general lighting and power circuits, and such installation shall be approved by the Department of Water Supply, Gas and Electricity. (§C26-1443.0)
7. If dressing rooms for entertainers are provided, indicate on diagram the location of the exits and sprinkler heads. (§C26-1445.0)
8. If revolving doors are present or are to be used, indicate location and type of door. Revolving doors which do not collapse automatically (Type B) shall be removed. (§C26-1446.0)
9. Revolving doors which collapse automatically (Type A) shall be oiled and cleaned each month, and a record of maintenance shall be kept on the premises. (§C26-1446.0)
10. The hoods over ranges, and the flues for such ranges, shall be thoroughly cleaned at least twice each year. A record of such maintenance shall be kept on the premises and shall be available for examination. (§C26-1444.0)
11. A permit shall be secured from this department. An annual fee of five dollars shall be paid to this department upon the issuance of the permit. (§C26-1447.0)
12. §C19-161-1.1 requires that drops, curtains, decorations and scenery be flameproofed in conformity with the provisions of the Administrative Code and the Rules and Regulations of the Board of Standards and Appeals and the Fire Department.
13. §C26-1449.0 provides that "any person who shall violate any provision of this article, upon conviction thereof, shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment not exceeding ten days, or by both. Upon a second conviction of such violation the commissioner shall have discretionary power to REVOKE OR SUSPEND ANY PERMIT issued by the department under the provisions of this article."

Work commenced.....Date signed off....., 194.....

I HEREBY CERTIFY that this report is true in every respect and that the work indicated has been done in the manner required by the Administrative Code and the Rules and Regulations of this department, except where reported adversely.

Signed....., Inspector

BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

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OCT 12 1943

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No. 40

DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1000 to 1018.

TELEPHONE—WOrth 2-5600.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.

Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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This issue of the Bulletin contains in the order given—

Docket.

Rules Directory.

The Hearing Calendar.

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Minutes of Regular Meeting September 28, 1943, at 2 P. M., Affecting Calendar Numbers 910-39-A, 148-42-A, 658-42-A, 383-43-A, 52-43-A, 379-43-A, 527-42-A, 709-42-A, 47-43-A, 236-43-A, 285-43-A, 357-43-S, 413-43-A, 414-43-A, 415-43-A, 429-43-A, 445-43-A, 464-43-S, 1095-27-A, 548-38-SM, 1547-39-SM and 1144-38-SM.

Factory Exit Rules.

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET

New Cases Filed up to September 28, 1943.

- | <i>Cal. No.</i> | <i>Dept.</i> | <i>Premises Affected.</i> |
|-----------------|--------------|---|
| 453-43-A | H.B.Q. | —91-25 87th street, east side, 235 ft. south of 91st avenue (Block 8981, Lot 49), Woodhaven, Borough of Queens, Alt. 1151-43. |
| 454-43-A | H.B.B. | —1159-1167 Utica avenue and 5002-5010 Clarendon road, southeast corner (Block 4771, Lot 1), Borough of Brooklyn, Decision re Revocation of Certificate of Occupancy 102996. |
| 455-43-A | H.B.Q. | —36-27 to 36-39 36th street, south side, 243.31 ft. west of 36th avenue (Block 636, Lots 14, 15 and 19), Long Island City, Borough of Queens, Misc. 1506-43. |
| 456-43-BZ | H.B.Q. | —122-03 Sutphin boulevard and 150-02 122nd avenue, southeast corner (Block 12217 (3012), Lot 8), Jamaica, Borough of Queens, Alt. 964-43. |
| 457-43-A | H.B.Q. | —122-03 Sutphin boulevard and 150-02 122nd avenue, southeast corner (Block 12217 (3012), Lot 8), Jamaica, Borough of Queens, Alt. 964-43. |
| 458-43-A | H.B.Q. | —223-02 Hempstead turnpike, south side, 110 ft. east of 223rd street (Block 11159, Lot 28), Queens Village, Borough of Queens, Decision re Permit Q13594. |
| 459-43-SM | USG | Expanded Metal Catwalk Grating, manufactured by United States Gypsum Company, Material. |
| 460-43-S | H.B.B. | —984-986 Grand street, south side, 200 ft. 1/8 in. west of Morgan avenue and 357-359 Maujer street (Block 3019, Lot 33), Borough of Brooklyn, Alt. 2352-43. |
| 461-43-SM | | —Magiclip Partition, manufactured by Melville Praeger, Material. |
| 462-43-S | H.D. | —740 East 211th street, south side, 106.44 ft. east of Holland avenue (Block 4659, Lot 13), Borough of The Bronx, Applic. 4313. |
| 463-43-A | H.B.M. | —329-333 East 22nd street, north side, 175 ft. west of First avenue (Block 928, Lot 17), Borough of Manhattan, Alt. 834-43. |
| 464-43-S | H.B.M. | —16-18 West 60th street, south side, 183.2 ft. west of Broadway (Block 1112, Lot 49), Borough of Manhattan, Alt. 901-43. |
| 465-43-S | H.B.Q. | —92-27 to 92-29 Union Hall street, east side, 255 ft. south of Jamaica avenue (Block 10102, Lot 72), Jamaica, Borough of Queens, Alt. 936-43. |

Restored to Calendar.

- 878-28-BZ—H.B.Q.—172-40 to 172-42 Baisley boulevard, south side, 360 ft. east of 125th avenue (Block 12515 (3209), Lots 20 and 21), Jamaica, Borough of Queens, Alt. 611-43.
- 336-37-BZ—H.B.M.—322-328 West 57th street, south side, 275 ft. west of Eighth avenue (Block 1047, Lots 44 and 46), Borough of Manhattan, Alt. 819-43.

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

RULES

	Last Publication in Bulletin
Blended Cements, Rules for Testing and Use of	Nov. 24, 1942—Vol. 27, No. 47
Carbon Dioxide Liquefier, Rules	June 22, 1943—Vol. 28, No. 25
Certificates of Occupancy, approved form	Nov. 25, 1941—Vol. 26, No. 47
Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Masonry Units, Rules for Manufacture, Testing and Use of	June 24, 1941—Vol. 26, No. 25
Concrete Rules (Hydrated Lime)	Aug. 3, 1937—Vol. 22, No. 31
Elevator Rules	Mar. 3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors)	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules	Oct. 5, 1943—Vol. 28, No. 40
Fire Alarm Rules (Interior)	June 8, 1943—Vol. 28, No. 23
Fire Drill Rules	Sept. 14, 1943—Vol. 28, No. 37
Fire-resistive, Flameproof Materials, etc., Rules for Testing of	Sept. 7, 1943—Vol. 28, No. 36
Fire Retarding Rules for Garages, etc.	Dec. 16, 1941—Vol. 26, No. 50
Fireproof Wood, Testing of	Apr. 13, 1937—Vol. 22, No. 15
Frame Garages, Ruling for	Jan. 21, 1919—Vol. 4, No. 3
Fusion Welding and Gas Cutting Rules	Apr. 27, 1943—Vol. 28, No. 17
Gas Shut-Off Rules	Apr. 7, 1925—Vol. 10, No. 14
Hatchway Protection	June 5, 1928—Vol. 13, No. 23
Insulating Fibre Board Rules	Mar. 23, 1943—Vol. 28, No. 12
Oil Burner Rules	July 13, 1943—Vol. 28, No. 28
Opening Protective Assemblies, Rules for Inspection of	July 27, 1943—Vol. 28, No. 30
Paint, Varnish and Lacquer Spraying Rules	July 13, 1943—Vol. 28, No. 28
Platform Trucks, Specifications for	Nov. 24, 1936—Vol. 21, No. 47
Plumbing Rules	Aug. 3, 1937—Vol. 22, No. 31
Plumbing Rules (Submerged Inlets; Protective Methods to Prevent Contamination of Water Supply)	Dec. 15, 1942—Vol. 27, No. 50
Procedure, Rules of	Sept. 7, 1937—Vol. 22, No. 36
Refrigerating Systems, Extract A.C.	Sept. 14, 1943—Vol. 28, No. 37
Smoking in Factories, Rules for	June 1, 1943—Vol. 28, No. 22
Sprinkler Rules	June 29, 1937—Vol. 22, No. 26
Standpipe Fireline Rules	June 8, 1937—Vol. 22, No. 23
Structural Alterations, Reporting	June 7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc.	Nov. 24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.	Nov. 24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr. 10, 1923—Vol. 8, No. 15

Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

OCTOBER 5, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, October 5, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

258-35-BZ—Application of Henry C. Brucker, applicant, on behalf of Octagon Laundry, Inc., owner, reopened July 27, 1943, re amendment to resolution—re Application, previously granted on condition, under section 7b of the zoning resolution, permitting the extension from

CALENDAR

a business use district into a residence use district, of an existing wet wash laundry and the erection, partly in a business use district and partly in a residence use district, of a proposed garage for more than five motor vehicles as an accessory to the laundry; premises 2120-2124 Menahan street (rear), south side, 185.96 ft. east of Grandview avenue (Block 3373, Lot 18), Ridgewood, Borough of Queens.

663-42-BZ—Application, September 8, 1942, under sections 7e and 21 of the zoning resolution, of Jacob Beller, applicant, on behalf of Henrietta Coopersmith, owner (Annie Oakley, lessee), to permit in a residence use district, for a term of two years, the conversion of occupancy of an existing frame structure, to a stable for more than five horses and also, as a riding academy; premises 90-17 71st avenue and 70-67 to 70-79 Walnut street, northwest corner (Block 3899, Lot 1), Forest Hills, Borough of Queens.

1051-27-BZ—Application of Lama and Proskauer, applicants, on behalf of Rutland Parkway, Inc., owner (Sinclair Oil Refining Co., lessee), reopened December 1, 1942, under sections 7c and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of an auto laundry (located upon an existing gasoline service station) to a motor vehicle repair shop and, also, the inclusion of parking and storage of more than five motor vehicles; premises 724-740 Ralph avenue and 81-101 East 98th street, northwest corner (Block 3530, Lot 1), Borough of Brooklyn.

437-43-BZ—Application, September 8, 1943, under section 7c of the zoning resolution, of Bernhard A. Abrashkin, applicant, on behalf of 421-429 West 54th Street Corporation, owner, to permit in a residence use district, the conversion of occupancy of a building occupied as a garage for more than five motor vehicles and service station to a factory; premises 421-429 West 54th street, north side, 300 ft. west of Ninth avenue (Block 1064, Lots 16, 17 and 18), Borough of Manhattan.

82-43-BZ—Application of James A. Boyle, applicant, on behalf of Louis L. Ahlers and Mary Fromer, owners (Celtic Circle, Inc., Sheepshead Bay Unit No. 1, lessee), reopened and restored to calendar, July 20, 1943, under section 7c of the zoning resolution, to permit partly in a residence use and partly in a business use district, the erection of a grandstand for an athletic field, the use of which is primarily for business purposes (previously dismissed for lack of prosecution); premises 1232-1254 Avenue Z and 2602-2644 East 13th street, southwest corner and 2601-2649 Homecrest avenue (Block 7457, Lots 1 and 15), Borough of Brooklyn.

Appeals from Administrative Decisions.

184-43-A—1232-1254 Avenue Z and 2602-2644 East 13th street, southwest corner (Block 7457, Lots 1 and 15), Borough of Brooklyn.

463-43-A—329-333 East 22nd street, north side, 175 ft. west of First avenue (Block 928, Lot 16), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 5, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, October 5, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

364-43-A—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

369-43-A—1764-1768 and 1770 Circumferential parkway, northwest corner of Bay 37th street (Block 6942, Lots 17 and 92), Borough of Brooklyn.

382-43-A—150 Ocean parkway, west side, 395 ft. south of Caton avenue (Block 5328, Lot 30), Borough of Brooklyn.

255-43-A—28-53 216th street, north side, 477.32 ft. east of 28th avenue (Block 6019, Lot 1), Bayside, Borough of Queens (under section 35, General City Law—re bed of mapped street—29th avenue).

385-43-A—150-01 Union Turnpike, northeast corner of 150th street (Block 6712, Lots 16 and 17), Flushing, Borough of Queens (under section 35, General City Law re bed of mapped street—150th street).

910-39-A—107-111 Myrtle avenue, north side, 21 ft. west of Bridge street (Block 143, Lot 30), Borough of Brooklyn (reopened July 13, 1943).

658-42-A—45 Roebling street, southeast corner of North 9th street (Block 2314, Lot 5), Borough of Brooklyn.

148-42-A—5-19 47th avenue, north side, 174.93 ft. east of East 5th street (West avenue); (Block 28, Lot 17), Long Island City, Borough of Queens.

418-43-A—26 Beard street, north side, 207 ft. east of Dwight street (Block 606, part of Lot 5), Borough of Brooklyn.

Material for Approval.

483-39-SM—Minit-Mix and Mortaseal (reopened May 18, 1943 re these additional materials).

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 13, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Wednesday morning, October 13, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Zoning Application.

198-20-BZ—Application of Henry Nordheim, applicant, on behalf of Maresca Co., Inc., owner, reopened September 14, 1943, under section 7c of the zoning resolution, to permit in a business use district, the inclusion of a motor vehicle repair shop in a public garage—the said public garage was previously granted by the Board; premises 2653 Webster avenue, west side, 151.03 ft. south of East 195th street (Block 3277, Lot 36), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 13, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Wednesday afternoon, October 13, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

615-42-A—1680 Broadway, east side, 104 ft. south of West 53rd street (Block 1024, Lot 38), Borough of Manhattan.

383-43-A—Re transportation of fuel oil (lighter than Nos. 5 and 6) in tank trucks not of approved type (capacity of tanks not in conformity with Administrative Code Specifications covering tank trucks), in New York City.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

OCTOBER 19, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning*, October 19, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

404-43-BZ—Application, August 16, 1943, under sections 7c and 21 of the zoning resolution of Charles A. Dunker, applicant on behalf of Taverna Coal Co., owner, to permit in a residence use district, the erection and maintenance of a building to be used as an office and garage for four (4) motor vehicles to be used in conjunction with the existing coal yard on the site; premises 51-67 Manee avenue, east side, 531.78 ft. south of Amboy road and 52-56 Bayview avenue (Block 6751, Lot 284), Princes Bay, Borough of Richmond.

336-37-BZ—Application of Julius Fishkind, applicant, on behalf of The New York Public Library, owner (Sun

Industries, Inc., lessee), reopened September 28, 1943, as to additional use—sale of used cars, re Application, previously granted on condition, under section 7h of the zoning resolution, permitting in a retail use district, for a temporary term of two years, the parking and storage of more than five motor vehicles; premises 322-328 West 57th street, south side, 275 ft. west of Eighth avenue (Block 1047, Lots 44 and 46), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 19, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon*, October 19, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions

191-43-A—15 West 77th street and Central Park West at 79th street (Block 1130, Lot 1), Borough of Manhattan.

442-43-A—Re use and marketing of inflammable mixture, known as "Cat's Paw Rubber Cement" in one-gallon tin containers (label on containers not in conformity with Administrative Code requirements).

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, SEPTEMBER 28, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

The minutes of the regular meetings of the Board held on Tuesday morning, September 21, 1943, and Tuesday afternoon, September 21, 1943, were approved as printed in Bulletin No. 39, Volume 28.

ZONING CASES

663-42-BZ

APPLICANT—Jacob Beller, for Henriette Coopersmith, owner (Annie Oakley, lessee).

SUBJECT—Application (decision of the acting borough superintendent) under sections 7e and 21 of the zoning resolution, to permit in a residence use district, for a term of two years, the conversion of occupancy of an existing frame structure, to a stable for more than five horses and also, as a riding academy.

PREMISES AFFECTED—90-17 71st avenue and 70-67 to 70-69 Walnut street, northwest corner (Block 3899, Lot 1), Forest Hills, Borough of Queens.

APPEARANCES—

For Applicant: Jacob Beller.

For Opposition: Delmer E. Moreners.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to October 5, 1943 at 10 A. M. for further consideration by the Board and to permit the attorney for opposition to be present.

82-43-BZ

APPLICANT—James A. Boyle, for Louis L. Ahlers and Mary Fromer, owners (Celtic Circle, Inc., Sheepshead Bay Unit No. 1, lessee).

SUBJECT—Application reopened July 20, 1943 (decision of the borough superintendent) under section 7c of the zoning resolution, to permit partly in a residence use and partly in a business use district, the erection of a grandstand for an athletic field, the use of which is primarily for business purposes (previously dismissed for lack of prosecution).

PREMISES AFFECTED—1232-1254 Avenue Z and 2602-2644 East 13th street, southwest corner and 2601-2649 Homecrest avenue (Block 7457, Lots 1 and 15), Borough of Brooklyn.

APPEARANCES—

For Applicant: James Boyle, Edward A. Tamm and Frank J. Meehan.

For Opposition: Mrs. B. Stone, Frank Soldo and others.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to October 5, 1943 at 10 A. M. for report from Police Department.

878-28-BZ

APPLICANT—Max Horn, for August Roehrig, owner.

SUBJECT—Application for consideration—reopening and amendment re additional building and use—Application (decision of the superintendent of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a motor vehicle repair shop.

PREMISES AFFECTED—172-40 to 172-42 Baisley boulevard, east side, 413 feet north of 125th avenue (Block 12515, [3209], Lots 20 and 21), Jamaica, Borough of Queens.

MINUTES

APPEARANCES—

For Applicant: Mrs. Max Horn.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

336-37-BZ

APPLICANT—Julius Fishkind for The New York Public Library, owner (Sun Industries, Inc., lessee).

SUBJECT—Application for consideration (re decision of the commissioner of buildings) under section 7h of the zoning resolution, to permit in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—322-328 West 57th street, south side, 275 ft. west of 8th avenue (Block 1047, Lots 44-46), Borough of Manhattan.

APPEARANCES—

For Applicant: J. C. Jasen.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened, restored to calendar and set for hearing on October 19, 1943 at 10 A. M.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

588-41-BZ

APPLICANT—Joseph Sperber, President of Donald Associates, owner of Lot 20, Block 287.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a residence use district, for a term of two years, the seasonal transient parking of more than five motor vehicles.

PREMISES AFFECTED—201-217 Beach 29th street, 202-214 Beach 30th street and north side of Seagirt avenue, between Beach 29th and Beach 30th streets (Block 287, Lots 16, 20, 27 and 32), Edgemere, Borough of Queens.

APPEARANCES—

For Applicant: Mrs. Max Horn.

For Administration: Fred Dahlem, Dept. of Housing and Buildings.

ACTION OF BOARD—Request to reopen, withdrawn.

THE VOTE TO WITHDRAW REQUEST TO REOPEN—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

282-35-BZ

APPLICANT—Paul Friedman, for Bay Parkway Holding Corp., owner (Empire Chevrolet, Inc., lessee).

SUBJECT—Application reopened July 20, 1943 (decision of the borough superintendent) under section 7f of the zoning resolution, to permit in a business use district, for a term of five years, the conversion of occupancy of the use of the premises as office, five-car garage and auto laundry to office, lubricatorium, auto laundry and gasoline service station.

PREMISES AFFECTED—1159-1167 Utica avenue and 5002-5010 Clarendon road, southeast corner (Block 4771, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Paul Friedman.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Commissioners Savage and Blum and Deputy Chief Gunn..... 3

Negative: Chairman Murdock 1

THE RESOLUTION (282-35-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in a business use district, the erection and maintenance of a gasoline service station on premises 1159-1167 Utica avenue, and 5002-5010 Clarendon road, southeast corner (Block 4771, Lot 1), Borough of Brooklyn, was granted by the Board on May 12, 1936, under conditions to be imposed by the Board at a later date; a writ of certiorari was served and the action of the Board was reversed on January 19, 1937; and

WHEREAS, on January 30, 1940, the application was again reopened by vote of the Board for rehearing on alleged new facts and on April 30, 1940 the application was granted under section 21 of the zoning resolution for a term of five (5) years. This action was also reviewed in court and the Board was sustained by the Appellate Division, which substituted section 7-f for section 21, under which the Board had granted the variation; thereafter the case was taken to the Court of Appeals, which unanimously reversed the majority decision of the Appellate Division; and

WHEREAS, an application under section 7-f of the zoning resolution, to permit in a business use district for a term of five (5) years the conversion in occupancy of the use of the premises as office, five-car garage and auto laundry to office, lubricatorium, auto laundry and gasoline service station on the subject premises, made by Paul Friedman, for the Bay Parkway Holding Corporation, owner, was reopened by vote of the Board July 20, 1943; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, September 28, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that Utica avenue is in a business use district; Clarendon road is in residence and business use districts; East 51st street is in residence and business use districts; and

WHEREAS, the decision of the borough superintendent, re Alt. Applic. 776-43, dated July 6, 1943, reads:

"Proposed change of occupancy from office, 5-car garage and auto laundry to office, lubricatorium, auto laundry and gasoline service station in a business use district is contrary to Art. II Sec. 4a (46) of the Building Zone Resolution.

Note: Gasoline service station use was granted by the Board of Standards & Appeals under Cal. 282-35-BZ and C. of O. 102996 was issued on Alteration 692/40. Determination of the Board was reversed by the Court of Appeals—Matter of Germaine M. Thomas v. Board of Standards & Appeals. See Bulletin II, Vol. XXVIII of the Board for digest of decision. Re—Denied."

and

WHEREAS, the applicant states that the premises consist of a plot having a frontage of 80 ft. on Utica avenue and 100 ft. on Clarendon road; that upon the easterly portion of same is located a one-story structure, 80 ft. by 30 ft., irregular in area; occupied as an office, 5-car garage and

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auto laundry; erected in 1935 and that it is proposed to occupy the remainder of the plot, for a term of five (5) years, as a gasoline service station; and

WHEREAS, these premises and the surrounding area were inspected by a committee of the Board; and

WHEREAS, the Certificate of Occupancy 102996 was revoked by the Board under Calendar 454-43-A; and

WHEREAS, the Board deemed that this was a proper case in which to exercise discretion to grant under section 7, subdivision f, of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution and that the application be and it hereby is *granted* under section 7f for a term of five (5) years from the date of this resolution, *on condition* that the plot shall be leveled substantially to the grade of Utica avenue and Clarendon road; that the existing building shall not be increased in height or area; that there shall be erected on the interior lot line from the accessory building to Utica avenue, a substantial wall or fence, and if a fence, it shall have a masonry base not less than 1 ft. in height with a steel or wood picket fence erected thereon to a total height of not less than 6 ft.; that the plot where not built upon or reserved for planting, shall be cement paved; that there shall be erected at the intersection of Utica avenue and Clarendon road, a cement platform not less than 1 ft. in height nor less than 5 ft. along the building line of Utica avenue and Clarendon road, as a protection to pedestrians; that entrances to premises shall be restricted to two curb cuts from Utica avenue and two from Clarendon road, each not exceeding 25 ft. in width; that no portion of the curb cut shall be nearer than 10 ft. to any lot line as extended; that between the entrances of the building line, there shall be planted areas not less than 4 ft. in width and protected with concrete curbing; that planted areas shall be maintained not less than 6 ft. in width along the side lot line wall or fence, and planting areas and such additional areas as indicated on plans marked "Received July 7, 1943" shall be maintained with curb protection; that gasoline pumps shall be erected not nearer than 20 ft. to any street building line; that such pumps shall be erected substantially as indicated on plans marked "Received July 7, 1943" consisting of two installations of twin pumps; that signs shall be restricted to permanent signs attached to the accessory building and to the illuminated globes of the pumps, excluding all temporary and roof signs, but permitting the erection at the intersection of Clarendon road and Utica avenue within the building line of a post standard for supporting a sign, which may be illuminated, advertising only the brand of gasoline on sale and permitting such sign to extend beyond the building line for a distance of not more than 4 ft.; that the accessory building shall be constructed of incombustible materials, except that the roof boarding, roof beams, window frames and sash, door frames and doors may be of wood, provided the ceiling throughout is fire retarded in accordance with the rules of the Board; that any boiler room constructed, shall be separated from the other parts of the accessory building by fireproof construction and shall be enterable only from the exterior and occupied for heating equipment only; that any greasing equipment installed shall be of the hydraulic lift type; that there shall be no windows erected in the accessory building opening on the one adjoining premises; that during the term of this variance, the premises shall be occupied for no other use than as herein permitted as a gasoline service station and for sale of automobile accessories and automobile laundry and lubricatorium in connection with motor vehicles; that no repairing shall be permitted on the premises and there shall be no parking or storage of cars other than those being serviced; that no portable gasoline tanks shall be used on or from the premises; that the number of gasoline storage tanks shall not exceed four tanks of 550 gallons capacity each; that all permits required shall be obtained and all work completed within six (6) months from the date of this resolution.

985-41-BZ

APPLICANT—Jerome N. Wanshel, for Artell Realty Company, Incorporated, owner (Michael Steinhauser, lessee).

SUBJECT—Application (decision of the borough superintendent) under sections 7h and 21 of the zoning resolution, to permit in a business use district, for a temporary period of not more than two years, the parking and storage of more than five motor vehicles (Reopened May 19, 1942).

PREMISES AFFECTED—46-60 Delmonico place, 182 Ellery Street, southwest corner and 749-751 Park avenue (Block 1731, Lots 20, 22, 23, 24 and 33), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (985-41-BZ)

WHEREAS, this application under sections 7h and 21 of the zoning resolution, to permit in a business district for a temporary period of not more than two years, the parking and storage of more than five motor vehicles, affecting premises 46-60 Delmonico place, 182 Ellery street, southwest corner and 749-751 Park avenue (Block 1731, Lots 20, 22, 23, 24 and 33), Borough of Brooklyn, was withdrawn on February 10, 1942; and

WHEREAS, the applicant requested a reopening of the case and restoration to the calendar; and

WHEREAS, this case was reopened by vote of the Board on May 19, 1942, subject to usual procedure; and

WHEREAS, the applicant failed to complete the papers in this case, although duly notified to do so; and

WHEREAS, the borough superintendent reports that the premises are not being occupied and that further inspections will be made from time to time.

Resolved, that the application be and it hereby is *dismissed for lack of prosecution*.

138-43-BZ

APPLICANT—Lama and Proskauer, for Amijo Realty Corporation, owner.

SUBJECT—Application (decision of the acting borough superintendent) under section 7h of the zoning resolution, to permit partly in a business use and partly in an unrestricted use district, for a term of two years, the parking and storage of more than five motor vehicles (buses).

PREMISES AFFECTED—92-12 60th avenue and 60-03 to 60-11 92nd street, southeast corner (Block 1876, Lot 7), Forest Hills, Borough of Queens.

APPEARANCES—

For Applicant: Alfred A. Lama and Lawrence Buckner.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (138-43-BZ)

WHEREAS, Lama and Proskauer, for Amijo Realty Corporation, owner, filed March 30, 1943, an application under section 7h of the zoning resolution, to permit in a business

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use and partly in an unrestricted use district, for a term of two years, for parking and storage of more than five motor vehicles (buses), affecting premises: 92-12 60th avenue and 60-03 to 60-11 92nd street, southeast corner (Block 1876, Lot 7), Forest Hills, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting, September 28, 1943, after due notice by publication in the bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that Queens boulevard is in a business use district; 60th avenue is in unrestricted and business use districts; Horace Harding boulevard is in unrestricted and business use districts; 92nd street is in unrestricted and business use districts; and

WHEREAS, the decision of the borough superintendent, dated March 16, 1943, re M. Applic. 562-43, reads:

"1. The parking and storage of more than five (5) motor vehicles within a business district is contrary to Art. II Sec. 4 (15) Building Zone Resolution.
Not further considered."

and

WHEREAS, the applicant states that the premises consist of an irregularly shaped plot having a frontage of 230 ft. on 60th avenue, 53 ft. on 92nd street and 83 ft. on Queens boulevard; that an irregular shaped area at the easterly end of plot extends into an unrestricted use district and the remainder is in a business use district and that it is proposed to use the plot, for a term of two years, for the parking and storage of more than five motor vehicles (buses); and

WHEREAS, these premises and the surrounding area were inspected by a committee of the Board; and

WHEREAS, the use proposed is parking and not storage, inasmuch as the motor vehicles are not proposed to be placed on the lot for safe keeping for hire and no fee is charged; and

WHEREAS, the Board deemed that this was a proper case in which to exercise discretion to grant under section 7, subdivision h, of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulation of the zoning resolution and that the application be and it hereby is granted under section 7h thereof, for a term of two (2) years from the date of this action, to permit the parking of more than five (5) motor vehicles, as proposed; that such motor vehicles shall be restricted to the buses of the Green Bus Lines, while waiting to proceed on their routes; that at no time shall these premises be used as a bus station; that the number of buses so parked shall not exceed 25; that no repairing or servicing of buses shall be carried on within the business use district; that a substantial wood rail fence shall be constructed along the building line of Queens boulevard and other interior lot lines to separate this lot from Lot 5 and Lot 21, where walls of buildings on adjoining lot lines do not occur, with no openings therein, except one entrance to 92nd street in addition to an entrance within the unrestricted district; that during the term of this permit, these premises shall be occupied for no other use than as herein permitted; that no signs shall be erected on the premises, except the necessary warning signs; that the use herein permitted is in connection with similar use which may be lawfully permitted on the portion of Lot 7 within the unrestricted area; that all permits shall be obtained and all work completed within three (3) months from the date of this resolution.

406-43-BZ

APPLICANT—Alfred H. Eccles, for American Ice Co., owner.

SUBJECT—Application (decision of the acting borough superintendent) under section 7c of the zoning resolution, to permit partly in a business use and partly in a residence use district, the conversion of occu-

pancy of an existing building, used as an ice manufacturing plant, to a factory for the fabrication of plastics and also, the alteration and the erection of an additional intermediary story within the present envelope of the building.

PREMISES AFFECTED—223-01 Northern boulevard and 43-29 223rd street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens.

APPEARANCES—

For Applicant: Alfred H. Eccles, Anthony Soranno, John A. Marsicano and others.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (406-43-BZ)

WHEREAS, Alfred H. Eccles, for American Ice Company, owner, filed August 17, 1943, an application under section 7c of the zoning resolution, to permit partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building used as an ice manufacturing plant, to a factory for the fabrication of plastics and also, the alteration and erection of an additional intermediary story within the present envelope of the building; premises: 223-01 Northern boulevard and 43-29 223rd street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting on September 28, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that Northern boulevard is in business and residence use districts; 223rd street is in residence and business use districts; 222nd street is in residence and business use districts; 43rd avenue is in a residence use district; and

WHEREAS, the decision of the borough superintendent, dated August 3, 1943, re Alt. Applic. 1028-43, reads:

"1. The creation of additional floor space in that portion of the building lying within the residence use district and to be devoted to manufacturing is prohibited by Art. 1, Sec. 3 of the Zone Law.

2. The change from one prohibited use (ice manufacturing) to another prohibited use (fabrication of plastics) of that portion of the building lying within the residence district is prohibited by art. 1, sec. 3 of the Zone Law."

and

WHEREAS, the applicant states that the premises consist of an irregularly shaped plot having a frontage of 213.5 ft. on 223rd street, 80 ft. on Northern boulevard and a distance of 100 ft. along the northerly lot line; that the northerly portion of the plot extends for a distance of 113 ft. into a residence use district—the remainder is in a business use district; that upon the plot is located a one story, class 3 building, having a frontage of 79 ft. and also 40 ft. on 223rd street, 47 ft. and also 28 ft. on the Northern boulevard frontage and a distance of 60 ft. along the northern facade; that the building is used as an ice manufacturing plant; that it is proposed to construct an additional story beneath the southerly portion of the existing building—the proposed additional story has a frontage of 47 ft. along the Northern boulevard frontage of the building and a (maximum) depth of 40 ft. and that it is proposed to use the entire building, as altered, as a factory for the fabrication of plastics; and

WHEREAS, these premises and the surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that this was a proper case in which to exercise discretion to grant under section 7, subdivision c, of the zoning resolution.

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Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution and that the application be and it hereby is *granted* under section 7c for a term of ten (10) years from the date of this action, to permit the existing building, as located within the residential district, to be occupied in conjunction with the portion in the business district for manufacturing purposes substantially and as shown on plans filed with this application, *on condition* that the building shall not be increased in height or area; that all signs now existing shall be removed and no signs constructed, except a neat business sign on the building at the front entrance facing Northern boulevard; that the premises shall be graded and landscaped and rearranged substantially as indicated on plans filed with this application; that any windows opening upon the side lot line shall be fireproof and self-closing or constructed of approved glass block; that the open area to the north and east, indicated on plans as rear yard and side yard, shall be graded and landscaped to the satisfaction of the Commissioner of Parks; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board under Calendar 407-43-S; that all permits shall be obtained and all work completed within one (1) year from the date of this resolution.

1102-27-BZ

APPLICANT—Robert J. Farrington, for Willfrat Holding Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment to resolution—Application (decision of the superintendent of buildings) previously granted on condition, under section 7c of the zoning resolution, permitting the extension, from an unrestricted use district into a business use district, of a proposed garage for the storage of more than five motor vehicles.

PREMISES AFFECTED—West side of Broadway, 150 ft. south of West 240th street (Block 3414B, Lot 128), Borough of The Bronx.

APPEARANCES—

For Applicant: Robert J. Farrington and Lewis Abramson.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (1102-27-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting the extension, from an unrestricted use district into a business use district, of a garage for the storage of more than five motor vehicles, affecting premises, west side of Broadway, 150 ft. south of West 240th street (Block 3414B, Lot 128), Borough of The Bronx, was granted by the Board on April 3, 1928, on certain conditions; and

WHEREAS, an application has been filed with the borough superintendent, namely Alteration Applic. 328-43, for permission to occupy a portion of the building for other than garage purposes and the applicant has requested an amendment to the Board's resolution to include this use.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted April 3, 1928, by adding thereto:

"That in the event the owner desires to occupy a portion of the garage formerly used for the sale of used cars, with an addition thereto, as indicated on

plan marked 'Received September 11, 1943,' as a machine shop for producing tools and dies under contracts for the war effort, such temporary use may be permitted, provided the machine work is carried on only within the space proposed to be enclosed as indicated and that this use will be terminated within six (6) months after the termination of the war emergency; after which the former garage use permitted by the Board may be resumed; that no open flames shall be maintained within such machine shop portion, other than one gas-fired oven placed near the northerly wall; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct."

320-37-BZ

APPLICANT—R. G. and W. M. Cory, for Bronxville Realty Corporation, owner (Liberty Lace and Netting Works, lessee).

SUBJECT—Application for consideration—reopening and extension of time to obtain permits and complete work—Application (decision of the borough superintendent) under section 7a of the zoning resolution, permitting in a residence use district, the extension of an existing factory building (previously acted upon by the Board).

PREMISES AFFECTED—901 East 228th street, east side of Bronxwood avenue, between East 228th street and East 229th street (Block 4864, Lot 35); (Building No. 2), Borough of The Bronx.

APPEARANCES—

For Applicant: Walter M. Cory.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (320-37-BZ)

WHEREAS, this application under section 7a of the zoning resolution, permitting in a residence use district, the extension of an existing factory building, affecting premises 901 East 228th street, east side of Bronxwood avenue, between East 228th street and East 229th street (Building No. 2); (Block 4864, part of Lot 35), Borough of The Bronx, was granted by the Board October 19, 1937 on certain conditions, time extended October 4, 1938, October 10, 1939, September 10, 1940, September 23, 1941 and September 29, 1942 and the applicant requested a further extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of October 19, 1937, as amended through September 29, 1942, only so far as it refers to the time within which to obtain permits and complete the work, so that as amended, that portion of the resolution shall read:

"that all permits shall be obtained and all work completed within one year from the date of this *amended* resolution."

271-39-BZ

APPLICANT—Socony-Vacuum Oil Company, Incorporated, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the borough superintendent) previously granted on condition, under section 7c of the zoning resolution, permitting in a business use district, the extension of an existing gasoline service station (previously granted by the Board; Board's decision reversed by the Court without prejudice to taking further proceedings before the Board).

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PREMISES AFFECTED—96-23 to 96-29 Queens boulevard and 95-02 to 95-14 63rd road, northeast corner (Block 2088, Lot 22), Elmhurst, Borough of Queens.

APPEARANCES—

For Applicant: Bernard J. Thole.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (271-39-BZ)

WHEREAS, this application, to permit in a business use district under sections 7c and 21 of the zoning resolution, the extension of an existing gasoline station; premises; 96-23 to 96-29 Queens boulevard and 95-02 to 95-14 63rd road, northeast corner (Block 2088, Lot 22) Elmhurst, Borough of Queens, was granted by the Board, July 18, 1939, on certain conditions; the decision of the Board reversed by the court, without prejudice to taking further proceedings before the Board; and

WHEREAS, Albert C. Benson, Socony-Vacuum Oil Company, Inc., owner, requested reopening of the application under section 7c of the zoning resolution as recommended by the order of the court; and

WHEREAS, this application was reopened by vote of the Board and granted on certain conditions, under section 7c of the zoning resolution, on January 7, 1941 and on September 29, 1942, an extension was granted to obtain permits and complete the work; and

WHEREAS, the applicant requested a further extension of time in which to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of January 7, 1941 as amended on September 29, 1942, only in so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that all permits shall be obtained and all work completed within one (1) year from the date of this *amended* resolution."

566-39-BZ

APPLICANT—Nicholas F. Walsh, for Nicholas F. Walsh, Helen A. Walsh, Joseph A. Walsh, Mary A. Walsh and John A. Walsh, owners. (Henrietta Taylor, lessee).

SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the borough superintendent) under section 7h of the zoning resolution, permitting in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—140 Post avenue, west side, 100 ft. north of West 207th street (Block 2223, Lot 22), Borough of Manhattan.

APPEARANCES—

For Applicant: Nicholas F. Walsh.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (566-39-BZ)

WHEREAS, this application, under section 7h of the zoning resolution, permitting, in a business use district, for a temporary period of not more than two years, the parking and

storage of more than five motor vehicles, affecting premises 140 Post avenue, west side, 100 ft. north of West 207th street (Block 2223, Lot 22), Borough of Manhattan, was granted by the Board January 3, 1940, on certain conditions, permit extended on September 30, 1941, and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted January 3, 1940, as amended by resolution of September 30, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"*granted* under section 7h, for a term of two (2) years from the date of this *amended* resolution to permit the premises to be occupied for the parking and storage of more than five (5) motor vehicles, . . ."

88-40-BZ

APPLICANT—John J. Beatty, for Joseph J. Campbell (lessee), for May E. Campbell, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Application (decision of the borough superintendent) previously granted on condition, under section 7g of the zoning resolution, permitting in a business use district, the erection and maintenance of a garage for more than five motor vehicles and, also, the inclusion in the proposed garage of an existing garage for five motor vehicles.

PREMISES AFFECTED—1290-1300 Decatur street, south side, 100 ft. west of Knickerbocker avenue (Block 3436, Lots 24 and 26), Borough of Brooklyn.

APPEARANCES—

For Applicant: John J. Beatty.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened, resolution amended and time extended.

THE VOTE TO REOPEN, AMEND RESOLUTION AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (88-40-BZ)

WHEREAS, this application under section 7g of the zoning resolution, permitting in a business use district, the erection and maintenance of garage for more than five motor vehicles, affecting premises 1290-1300 Decatur street, south side, 100 ft. west of Knickerbocker avenue (Block 3436, Lots 24 and 26), Borough of Brooklyn, was granted by the Board on May 14, 1940, on certain conditions, resolution amended on October 1, 1940 and the applicant requested a further amendment of the resolution and an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted by the Board on May 14, 1940, as amended October 1, 1940, so that as amended the resolution shall read:

"*Resolved*, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution and that the application be and it hereby is *granted*, under section 7g thereof, to permit the reconstruction and rearrangement of the existing legal garage buildings, as indicated on plans filed herewith, *on condition* that the building to be used as an addition to the existing one-story brick garage at the rear shall be constructed of fire-proof material, except that the roof may be of wood beams and wood boarding, provided the ceilings throughout the proposed extension and the existing garage are re-retarded in accordance with the rules of the Board and that the roof is surfaced with weather surfacing of approved type; that there shall be no windows or other openings to adjoining interior lots; that there shall be no signs erected on the roof or

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any portion of the building, except a sign which may be erected over the entrance, if desired, on Decatur street not over 5 sq. ft. in area; that one gasoline tank not exceeding 550 gallons may be erected within the building line and a gasoline pump for supplying solely the cars housed within the existing and proposed garage and not for sale to passing motorists; *that such 550 gallon gasoline tank may be installed within the garage, substantially in the location indicated on revised plans marked 'Received September 28, 1943,' provided the gasoline pump is installed adjacent to the door opening to the side yard, as indicated on such drawing and not nearer than 37 feet, approximately, to the street building line to Decatur street;* that no sign shall be erected on the exterior of the building advertising the existence of the gasoline service station or the sale of gasoline; that during the term of this permit the premises shall be used for no other uses than as herein permitted, for the storage of motor vehicles; that no automobile repairing shall be carried on and no sale of gasoline other than to the owners of cars stored in the garage; that no portable gasoline pumps shall be used on the premises; that the boiler room below grade shall be separated from the balance of the building by fireproof construction and enterable only from the exterior of the building.

"Resolved further, that in the event the owner desires to reduce the size of proposed garage so that same will have a frontage of 50 ft. instead of 65 ft., the terms of this resolution will still hold, permitting the erection of a building of the reduced size as proposed, provided in all other respects the requirements of the resolution of May 14, 1940, are complied with, provided that there shall be maintained at all times a substantial steel fence on the building line between the present two-story residence building and the proposed garage, with an opening not in excess of 10 ft. therein for access to the present rear garage, and that all permits shall be obtained and all work shall be completed within two (2) months from the date of this amended resolution."

234-41-BZ

APPLICANT—Henry C. Brockman, for The Trustees of Columbia University in the City of New York, owner (Gulf Oil Corporation, lessee).

SUBJECT—Application for consideration—reopening and amendment of resolution—Application (decision of the borough superintendent) previously granted on condition under section 7c of the zoning resolution, permitting in a business use district, the alteration and reconstruction of a gasoline service station; part of the premises is on the same street between the same intersecting streets as a school and library.

PREMISES AFFECTED—2011-2013 Broadway, west side, from West 68th street to West 69th street (entire block), 151-155 West 68th street and 166-178 West 69th street (Block 1140, parts of Lots 4, 5, 7, 10, 14, 55 and 58), Borough of Manhattan.

APPEARANCES—

For Applicant: Joseph B. Lynch.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (234-41-BZ)

WHEREAS, Henry C. Brockman, for The Trustees of Columbia University in the City of New York, owner (Gulf Oil Corporation, lessee), filed March 19, 1941 an applica-

tion under section 7c of the zoning resolution, to permit in a business use district, the alteration and construction of a gasoline service station; part of the premises is on the same street and between the same intersecting streets as a school and library; premises 2011-2013 Broadway, west side, from West 68th street to West 69th street (entire block), 151-155 West 68th street and 166-178 West 69th street (Block 1140, Lots 4, 5, 7, 10, 14, 55, 58), Borough of Manhattan; and

WHEREAS, this application was granted by the Board on January 13, 1942, on certain conditions and plans approved on May 4, 1943; and

WHEREAS, the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *approve* plans marked "Received April 15, 1943," as in substantial compliance with the requirements of the resolution adopted by the Board on January 13, 1942, and permitting the wood trim on the accessory buildings, consisting of wood coping, gutter, banisters and cupola, as indicated on approved plans; that no sign shall be erected on the premises other than what is shown on the approved plans, excluding all new signs and temporary signs; that all permits shall be obtained and all work completed within one year from the date of this *amended* resolution.

812-41-BZ

APPLICANT—Lama and Proskauer, for C. J. Neumann Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the borough superintendent) previously granted on condition, under section 7c of the zoning resolution, permitting partly in a business use and partly in a residence use district, the reconstruction and extension of a gasoline service station.

PREMISES AFFECTED—1916-1922 Flatbush avenue and 3822-3832 Avenue L, southwest corner (Block 7815, Lots 32 and 35), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (812-41-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting partly in a business use and partly in a residence use district, the reconstruction and extension of a gasoline service station, affecting premises 1916-1922 Flatbush avenue and 3822-3832 Avenue L, southwest corner (Block 7815, Lots 32 and 35), Borough of Brooklyn, was granted by the Board on July 7, 1942, on certain conditions and the applicant requested an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted July 7, 1942, only so far as it has reference to obtaining permits and the completion of the work, so that as amended, this portion of the resolution shall read:

"that all permits required shall be obtained and all work completed within one (1) year from the date of this amended resolution."

32-43-BZ

APPLICANT—Victor Breitfeller, owner.

SUBJECT—Application for consideration—reopening and extension of time to obtain permits and complete work—Application (decision of the borough superintendent) under section 7h of the zoning resolution, permitting partly in a business use and partly

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in a residence use district, for a term of two years, the parking of more than five motor vehicles to be used (without charge) by the employees of an aircraft plant in the vicinity.

PREMISES AFFECTED—187-29 to 187-41 Jamaica avenue, north side, 100 ft. east of 187th place, 91-21 187th place and 91-22 to 91-32 188th street, northwest corner of Jamaica avenue (Block 9910, Lot 1), Hollis, Borough of Queens.

APPEARANCES—

For Applicant: Leon E. Borden.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (32-43-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting partly in a business use and partly in a residence use district, for a term of two years, the parking of more than five motor vehicles to be used (without charge) by the employees of an aircraft plant in the vicinity, affecting premises 187-29 to 187-41 Jamaica avenue, north side, 100 ft. east of 187th place, 91-21 187th place and 91-22 to 91-32 188th street, northwest corner of Jamaica avenue (Block 9910, Lot 1), Hollis, Borough of Queens, was granted by the Board on May 25, 1943, on certain conditions and the applicant requested an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted May 25, 1943, only so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that all permits required shall be obtained and all work completed within three (3) months from the date of this amended resolution."

44-43-BZ

APPLICANT—Lama and Proskauer, for Ida Sarfati, owner.

SUBJECT—Application for consideration—reopening and extension of time to obtain permit and complete work—Application (decision of the borough superintendent) under section 7c of the zoning resolution, permitting in a residence use district, the conversion of occupancy of a building (the legal occupancy is two (2) stores and one family) to light manufacturing (dresses).

PREMISES AFFECTED—70-74 Malta street, west side, 100 ft. north of Hegeman avenue (Block 4294, Lot 32), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (44-43-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting in a residence use district, the conversion of occupancy of a building to light manufacturing, affecting premises 70-74 Malta street, west side, 100 ft. north of Hegeman avenue (Block 4294, Lot 32), Borough of Brooklyn, was granted by the Board on May 4, 1943, on certain conditions and the applicant requested an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted May 4, 1943, only so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that all permits required shall be obtained and all work completed within three (3) months from the date of this amended resolution."

APPEALS FROM ADMINISTRATIVE DECISIONS

184-43-A

APPLICANT—James A. Boyle, for Louis L. Ahlers, owner (Celtic Circle, Inc., Sheepshead Bay Unit No. 1, lessee).

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1232-1254 Avenue Z and 2602-2644 East 13th street, southwest corner (Block 7457, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: James A. Boyle, Edward A. Tamm and Frank J. Meehan.

For Opposition: Mrs. B. Stone, Frank Soldo and others.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to October 5, 1943 at 10 A.M. for further consideration in connection with 82-43-BZ.

407-43-S

APPLICANT—Alfred H. Eccles, for American Ice Co., owner.

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—223-01 Northern boulevard and 43-29 223rd street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens.

APPEARANCES—

For Applicant: Alfred H. Eccles and John A. Marsicano.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (407-43-S)

WHEREAS, Alfred H. Eccles, for American Ice Company, owner, filed August 17, 1943 an application for variation of the requirements of the Labor Law as cited in a decision of the borough superintendent, affecting premises 223-01 Northern boulevard and 43-29 223rd street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated August 3, 1943 on Alt. Applic. 1028-43 reads:

"3. Provide a second legal means of exit from the front portion of the building two stories in height."

and

WHEREAS, the applicant states that the building is 1 and 2 stories (25 ft.) in height, 75 ft. by 118 ft. 7½ in. in area, of class 3 construction, erected in 1927, located in a residence use, F area and business use, D area district and used and occupied as an ice manufacturing plant for 10 persons; that it is proposed to be used for the manufacture of plastics and occupied by 48 persons on the 1st floor and 12 persons on the 2nd floor and proposed to be equipped with one 3 ft. 8 in. iron stairs at the front of the building enclosed in 6 in. terra cotta partition, equipped with fire-proof self-closing doors leading thereto; and

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WHEREAS, the applicant contends that a variation of the requirements of the Labor Law is requested as to exits from the second story in the front portion of the building; that this portion is 47 ft. by 40 ft. in area, 2 stories in height and the 1st floor is located about 9 ft. above Northern boulevard curb level, but only about 3 ft. above the ground level of 223rd street; that there are two means of egress from this portion, consisting of an exterior enclosed stairs 3 ft. 8 in. wide leading to the street and an unenclosed iron stairs leading to the 1st floor, which is one story high at this section; that the proposed exits will be remote from each other and will furnish safe egress for the small number of persons occupying the second floor area.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the borough superintendent, Alt. Applic. 1028-43, Obj. 3, and that the appeal be and it hereby is *granted* for a term of ten years from the date of this action, *on condition* that the building shall comply with the requirements of the resolution adopted by the Board this day under Calendar 406-43-BZ; that exits as indicated on plans as filed with 406-43-BZ, one leading directly to Northern boulevard and one an open unenclosed stair leading to the rear one story portion with exits to the rear yard, shall be maintained; that in all other respects, the building and occupancy, other than as herein modified and as permitted under Cal. 406-43-BZ, shall comply with all laws, rules and regulations applicable thereto; that no second story shall be constructed in the present rear one story portion of the premises.

454-43-A

APPLICANT—Paul Friedman, for Bay Parkway Holding Corporation, owner (Empire Chevrolet, Inc., lessee).

SUBJECT—Appeal from a decision of the borough superintendent re revocation of Certificate of Occupancy 102996.

PREMISES AFFECTED—1159-1167 Utica avenue and 5002-5010 Clarendon road, southeast corner (Block 4771, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Paul Friedman.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (454-43-A)

WHEREAS, Paul Friedman, for Bay Parkway Holding Corporation, owner (Empire Chevrolet, Inc., lessee), filed September 21, 1943, an appeal from a decision of the borough superintendent, refusing to revoke Certificate of Occupancy 102996, affecting premises 1159-1167 Utica avenue and 5002-5010 Clarendon road, southeast corner (Block 4771, Lot 1), Borough of Brooklyn, and

WHEREAS, the decision of the borough superintendent dated September 14, 1943 reads:

"Your request dated September 14th to revoke Certificate of Occupancy 102996 issued for the above noted premises is denied.

Authority to revoke a Certificate of Occupancy is vested solely with the Board of Standards and Appeals."

and

WHEREAS, the applicant states that the premises consist of a plot 80 ft. by 100 ft. in area, located in a business use, C area district, upon which there exists a one story building 15 ft. in height, 80 ft. by 33 ft. in area, of class 3 construction, erected in 1935 and occupied since October 1941 as follows: cellar—boiler room; 1st floor—gasoline

selling station; proposed to be occupied: cellar—ordinary use; 1st floor—office, garage for five cars and automobile laundry; and

WHEREAS, the applicant contends that the issuance of Certificate of Occupancy 102996, was based upon a determination of the Board dated April 30, 1940 under Cal. 282-35-BZ, which determination was sustained by the Supreme Court, Special Term and Appellate Division but reversed by the Court of Appeals; that since the determination by the Board has been annulled by the Court of Appeals, the Certificate of Occupancy in question should be a nullity; that an application for a zoning variance under section 7f of the zoning resolution is now pending before the Board and the revocation of the Certificate of Occupancy herein requested is necessary in order that the Board may have jurisdiction to act in the matter of the application for a variation of the provisions of the zoning resolution.

Resolved, that the decision of the borough superintendent dated September 14, 1943, be and it hereby is *reversed* and the appeal be and it hereby is *granted*, revoking Certificate of Occupancy 102996.

Adjourned: 12:35 P.M.

JOSEPH J. DOYLE, Chief Clerk.

REGULAR MEETING

TUESDAY AFTERNOON, SEPTEMBER 28, 1943

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

APPEALS FROM ADMINISTRATIVE DECISIONS.

910-39-A

APPLICANT—George D. McManus, Pres., McManus Laboratories, Inc., lessee for All Purpose Gold Corp., owner.

SUBJECT—Appeal reopened July 13, 1943—re appeal from an order and a decision of the fire commissioner—amendment of resolution previously granted on condition.

PREMISES AFFECTED—107-111 Myrtle avenue, north side, 21 ft. west of Bridge street (Block 143, Lot 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: Victor Arnao.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Laid over to October 5, 1943 at 2 P.M. for an inspection by a committee of the Board and for further consideration.

148-42-A

APPLICANT—Alfred H. Eccles, for Gotham Ink and Color Company, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—5-19 47th avenue (8th street), north side, 174.93 ft. east of East 5th street (West avenue); (Block 28, Lot 17), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Alfred H. Eccles and Samuel T. Kantor.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Laid over to October 5, 1943 at 2 P.M. for an inspection by a committee of the Board.

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658-42-A

APPLICANT—Commercial Control and Device Corp. (lessee), for 117 Realty Corp., owner.
 SUBJECT—Appeal from an order and a decision of the fire commissioner.
 PREMISES AFFECTED—45 Roebling street, southeast corner of North 9th street (Block 2314, Lot 5), Borough of Brooklyn.
 APPEARANCES—
 For Applicant: Jerome Voletsky and William H. Ross.
 For Administration: Insp. Meyer, Fire Dep't.
 ACTION OF BOARD—Laid over to October 5, 1943 at 2 P.M. for an inspection by a committee of the Board.

383-43-A

APPLICANT—John J. Morro, for Zone Oil Trucking Corporation, owner.
 SUBJECT—Appeal from orders of the fire commissioner re: Transportation of fuel oil (lighter than Nos. 5 and 6) in Tank Trucks (capacity of tanks not in conformity with Administrative Code Specifications covering Tank Trucks), in New York City.
 APPEARANCES—
 For Applicant: John J. Morro.
 For Administration: Insp. Meyer, Fire Dep't.
 ACTION OF BOARD—Laid over to October 13, 1943 at 2 P.M. for further consideration by the Board.

52-43-A

APPLICANT—Lama and Proskauer, for A. Enterman, owner.
 SUBJECT—Appeal from an order and decision of the fire commissioner.
 PREMISES AFFECTED—645-669 73rd street, north side, 203 ft. 8 in. west of Seventh avenue and 656-674 72nd street (Block 5911, Lot 31), Borough of Brooklyn.
 APPEARANCES—
 For Applicant: Alfred A. Lama and George D. McCurdy.
 For Administration: Fred Dahlem, Dep't of Housing and Buildings and Thomas A. Larkin, Fire Dep't.
 ACTION OF BOARD—Appeal withdrawn, after discussion.
 THE VOTE TO WITHDRAW—
 Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
 Negative 0

379-43-A

APPLICANT—Seelig and Finkelstein, for Derian Realty Corp., adjoining property owner.
 OWNER OF PREMISES—Rose Lipstein.
 SUBJECT—Appeal from a decision of the borough superintendent re Revocation of Permit re Alt. 1943-43.
 PREMISES AFFECTED—1642 St. Johns place, south side, 227 ft. west of Ralph avenue (Block 1387, Lot 34), Borough of Brooklyn.
 APPEARANCES—
 For Applicant: Harry Finkelstein and Harold Schneider.
 For Owner: Benjamin M. Friedland and Charles Wapner.
 For Administration: Fred Dahlem, Dep't of Housing and Buildings.
 ACTION OF BOARD—Appeal withdrawn on request of applicant.
 THE VOTE TO WITHDRAW—
 Affirmative: Chairman Murdock, Commissioner Blum and Deputy Chief Gunn..... 3
 Negative 0
 Absent: Commissioner Savage 1

527-42-A

APPLICANT—Irving M. Fenichel, for 667 Washington Street, Inc., owner (Shepard Warehouses, Inc., lessee).
 SUBJECT—Application reopened and restored to calendar, September 14, 1943—Appeal from an order of the fire commissioner (previously withdrawn).
 PREMISES AFFECTED—667-675 Washington street and 271-281 West 10th street, northeast corner (7th floor); (Block 631, Lot 1), Borough of Manhattan.
 APPEARANCES—
 For Applicant: Irving M. Fenichel and Ray H. Becker.
 For Administration: Insp. Meyer, Fire Dep't.
 ACTION OF BOARD—Appeal granted on condition.
 THE VOTE—
 Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
 Negative 0

THE RESOLUTION (527-42-A)

WHEREAS, this appeal from an order of the fire commissioner, affecting premises, 667-675 Washington street and 271-281 West 10th street, northeast corner (7th floor); (Block 631, Lot 1), Borough of Manhattan, was withdrawn on July 23, 1942; and

WHEREAS, the applicant requested a reopening and restoration to the calendar; and

WHEREAS, this case was reopened by vote of the Board on September 14, 1943, subject to usual procedure; and

WHEREAS, Order 35042-LC issued by the Fire Commissioner June 22, 1943, reads:

"With regard to your application for permit to above lubricating oil and greases at the location noted above, it is regretted that your application for such permit is disapproved for the reason that:

A. More than 1,100 gallons of lubricating oil and greases is proposed to be stored.

B. Building is not equipped with a fire extinguishing system suitable for oil fires.

YOU ARE THEREFORE, HEREBY, ADVISED TO:

1. Refrain from carrying out your intention of storing lubricating oil and greases on these premises in the quantity noted on your application. Sec. C-19-51-A and 51-A2—Art. 8, New York City Administrative Code.

NOTE: Should the quantity stated—1,100 gallons suffice an amended application for permit will receive attention."

and

WHEREAS, the applicant states the building is 12 stories (123 ft. 6 in.) in height, 111 ft. 6 in. by 106 ft. (average) in area; Class 1 construction; with a floor loading of 350 lbs. per sq. ft.; equipped with a standpipe system; erected in 1894; located in an unrestricted district and used as follows: Cellar, storage and boiler room; 1st floor, storage, shipping and offices; 2nd floor, storage; 3rd floor, storage and offices; 4th to 12th floors, inclusive, storage; that eight persons are employed throughout the building for the handling of stored materials and 11 persons are employed throughout the office sections of the building; and

WHEREAS, the applicant contends that the building was constructed for and used as a storage warehouse since its erection in 1894; that lubricating oils and greases have heretofore been stored under permits granted by the fire commissioner within the 1,100 gallon limitation; that the proposed storage of lubricating oils and greases will be confined to storage room A on the 7th floor, as indicated on plan filed with this appeal marked "Received July 21, 1943"; that the oils and greases will be received, stored and shipped in sealed steel containers and will not exceed 100,000 lbs. or 10,000 gallons, the approximate equivalent

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in the following size containers: 5, 15, 30 and 55 gallon steel drums of lubricating oils; 100, 300 and 500 lb. sealed drums of greases; that the oils and greases proposed to be stored will not flash below 350 degree F.; that there will be no open flame, spark or other devices employing flame, fire or any electric apparatus likely to produce an exposed spark in any other part of the building, except of boiler room in the cellar; that the proposed storage does not come within the purview of a storage plant, as defined by the Administrative Code; that the building is equipped with a standpipe system; that the enclosed area of the 7th floor, wherein it is proposed to store the lubricating oils and greases, is equipped with 12 sand pails, 12 water buckets and 3 approved type, 2½-gallon fomite portable fire extinguishers; that in addition thereto, it is proposed to lengthen the present standpipe hose on the 7th floor, southwest stairhall, by adding 25 ft. of hose, so that the total length will be 75 ft. to reach a point 18 ft. from the farthest corner within the area in question; that the proposed storage of lubricating oils in the quantities requested is essential to the business of the tenants.

Resolved, that the decision of the fire commissioner acting on Order 35042-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that not more than 100,000 lbs, or 10,000 gallons, the approximate equivalent, shall be stored on the premises; that such premises shall consist of the space on the 5th floor at the Washington street side; that the partition and fire doors as indicated on plans marked "Received July 21, 1943" shall be maintained and, in addition, concrete sills shall be installed against door openings and also openings to the elevators; that such sill shall be not less than 6 in. in height; that proper aisles shall be maintained at all times for ready access; that the oils and greases shall be stored in their original containers as proposed, such containers to be of the approved type; that no processing of such materials or opening of such containers shall take place within the building; that the portable fire-fighting appliances proposed and as indicated on plans marked "Received July 21, 1943" shall be maintained or such substitute portable fire-fighting extinguishers as the fire commissioner shall direct; that the standpipe system shall be maintained to the satisfaction of the fire commissioner; that an additional length of hose shall be installed and maintained as proposed; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that this modification shall be for a term of two (2) years from the date of this resolution.

709-42-A

APPLICANT—First Ventures Corporation, owner (Kae Sales Company, lessee).

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—199 Broadway, north side, 25 ft. 5¼ in. west of Washington Plaza (Block 2444, Lot 92), Borough of Brooklyn.

APPEARANCES—

For Applicant: Philip Freshman and F. Zasuly.

For Administration: Fred Dahlem, Dep't of Housing and Buildings and Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0
Negative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4

THE RESOLUTION (709-42-A)

WHEREAS, First Ventures Corporation, owner, (Kae Sales Company, lessee) filed September 29, 1942 an appeal from an order of the fire commissioner, affecting premises 199 Broadway, north side, 25 ft. 5¼ in. west of Washington Plaza (Block 2444, Lot 92), Borough of Brooklyn; and

WHEREAS, order 92912-LC issued by the fire commissioner September 1, 1942, reads:

"With reference to application dated July 16, 1942 for a permit to operate a wholesale drug store at premises 199 Broadway, Brooklyn, please be advised that the Fire Department is without power to issue such a permit for the reason that a recent inspection of the premises shows same to be a multiple family dwelling.

The maintenance of a wholesale drug store in a building occupied as a multiple dwelling is a violation of C19-136-2 of the Administrative Code which reads as follows:

'No permit shall be issued for a wholesale drug store or drug and chemical supply house in any building which is occupied as a tenement house or hotel.'

You are therefore ordered to remove all drugs and chemicals from the premises and to discontinue the maintenance of a wholesale drug store or drug and chemical supply house on the premises. C19-136-2, Adm. Code."

and

WHEREAS, the applicant states that the building is 4 stories (40 ft.) in height, 20 ft. 4 in. by 100 ft. in area, at 1st floor, 20 ft. 4 in. by 41 ft. in area at typical floor, of Class 3 construction, erected about 1890, located in an unrestricted use district and used and occupied as follows: cellar, storage; 1st floor, store, 3 persons; 2nd, 3rd and 4th floors, 1 family each; proposed to be used as follows: cellar, same; 1st floor, wholesale drug store, 3 persons; 2nd, 3rd and 4th floors, 1 family each; and

WHEREAS, the applicant contends that permission is requested to use the ground floor as a wholesale drug business, the character of which is similar to an ordinary drug store, except that the lessee does not cater to retail customers; that the stock carried will be various medicinal drugs and sundry drug items; that no hazardous chemicals or liquids of any nature will be kept on the premises; that no drugs or fluids of any kind will be stored in the cellar; that the cellar ceiling is fire-retarded with metal lath and cement plaster; that the cellar stairs are enclosed with fireproof material and equipped with one hour self-closing fireproof door; that the owner recently spent a considerable sum of money in rectifying the violations filed by the Division of Housing; that the store cannot be rented to the ordinary retail trade, as conditions in this block are not favorable; that should this store be required to be vacated, the owner will face a financial burden; and

WHEREAS, the premises were inspected by a committee of the Board.

Resolved, that order 92912-LC of the fire commissioner be and it hereby is *affirmed* and that the appeal be and it hereby is *denied*.

47-43-A

APPLICANT—George Green, for Sadie Dubester, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—3064 Brighton Fourth street, west side, 124 ft. north of Brighton Beach avenue (Block 7284, Lot 1260), Borough of Brooklyn.

APPEARANCES—

For Applicant: George Green.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0
Negative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4

THE RESOLUTION (47-43-A)

WHEREAS, George Green, for Sadie Dubester, owner, filed on February 3, 1943, an application for revocation of Certificate of Occupancy 75355, affecting premises 3064 Brighton Fourth street, west side, 124 ft. north of Brighton Beach avenue (Block 7284, Lot 1260), Borough of Brooklyn; and

MINUTES

WHEREAS, the decision of the borough superintendent on Alt. Applic. 5585-41, dated May 28, 1943, reads:

"1. As Certificate of Occupancy 75355 was issued in 1935 for two family dwelling, the proposed use of this frame building as a Class B Multiple Dwelling is contrary to Sec. 56 M.D.L."

and

WHEREAS, the applicant states the building is two stories and basement (25 ft.) in height; 174 ft. 5 in. by 60 ft. 5 in. in area; of Class 4 construction; erected 1921; located in a residence use, C area district and occupied: basement, ordinary use and dwelling, one family; 1st floor, dwelling, one family; 2nd floor, dwelling, one family; and

WHEREAS, Certificate of Occupancy 75355, issued March 14, 1935, permits the use of the cellar for ordinary use, basement and 1st floor conjunctively for dwelling, one family; 2nd floor, dwelling one family; total, two families; and

WHEREAS, Violation No. 3187-39 was issued August 14, 1941, for installing kitchen in cellar and occupying cellar as one family and increasing the occupancy of the building from two families to three families as an illegal Class A multiple dwelling in violation of Certificate of Occupancy 75355-35; and

WHEREAS, the owner was convicted and fined in Municipal Term, Magistrates Court, Brooklyn, on October 16, 1941, for violation of Section C26-174.0 and C26-185.0 of the Administrative Code; and

WHEREAS, the applicant was convicted and fined in Municipal Term, Magistrates Court, Brooklyn, on November 25, 1942, on a charge of violation of Section C19-52.0a of the Administrative Code; and

WHEREAS, the applicant contends that in 1932, the premises were classified as a heretofore converted Class A Multiple Dwelling and occupied as follows: basement, 1 family; 1st floor, 1 family; 2nd floor, 1 family; that in 1935, under B.N. 1459, the occupancy was changed to a two family dwelling; that said application was not accompanied by plans, but merely contained a statement that the building was being converted to a two family dwelling and subsequently Certificate of Occupancy 75355 was issued for two family dwelling; that at the time of issuance of such Certificate of Occupancy, the building was arranged, intended and designed for occupancy as a multiple dwelling and it has never ceased to be so arranged, intended and designed; that Certificate of Occupancy 75355 was issued without requiring the filing of plans and thus the Borough Superintendent was not in a position to determine arrangement and design; that the mere removal of a plumbing fixture does not constitute a change in arrangement or design; that this appeal is supported by an affidavit of the owner and also of the Department of Water Supply, Gas and Electricity; Brooklyn Edison Company and Brooklyn Borough Gas Company; and

WHEREAS, in the opinion of the Board, this frame building erected in 1921 for one family occupancy could at no time thereafter lawfully be occupied as a tenement house, in view of the provisions of Section 31 of the tenement house law or Section 56, 170 or 177 of the Multiple Dwelling Law, and that actual occupancy of three families without sanction of law cannot be deemed as legalizing such use.

Resolved, that the decision of the borough superintendent on Alt. Applic. 5585-41, be and it hereby is *affirmed* and that the appeal be and it hereby is *denied*.

236-43-A

APPLICANT—Schuman and Lichenstein, for American Heat Treating Corporation, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner and a decision of the borough superintendent.

PREMISES AFFECTED—517 West 47th street, north side, 250 ft. west of Tenth avenue (Block 1073, Lot 22), Borough of Manhattan.

APPEARANCES—

For Applicant: Simon N. Alderman.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (236-43-A)

WHEREAS, Schuman and Lichenstein, for American Heat Treating Corporation, owner, filed May 18, 1943, an appeal from an order and decision of the fire commissioner and decision of the borough superintendent, affecting premises 517 West 47th street, north side, 250 ft. west of Tenth avenue (Block 1073, Lot 22), Borough of Manhattan; and

WHEREAS, Order 33951-LC issued by the fire commissioner March 29, 1943, reads:

"Before a permit may be issued for the storage and use of lubricating oil, the following must be done:

1. Discontinue the storage of lubricating oil on these premises in a quantity exceeding eleven hundred gallons. Section C19-51-A.2. Article 8, Admin. Code."

and

WHEREAS, the said order was repeated in a decision of the fire commissioner dated May 7, 1943; and

WHEREAS, the decision of the borough superintendent, dated August 3, 1943, on Misc. Applic. 615-43, reads:

"1. The storage of lubricating oil in quantities in excess of 1,100 gallons is contrary to C19-51 subd. A-2-A.C."

and

WHEREAS, the applicant states the building is one story and mezzanine (23 ft.) in height, 25 ft. by 100 ft. 5 in. in area; Class 3 construction; erected in 1940; located in an unrestricted use district and used as follows: 1st floor, garage, 10 persons; mezzanine, office, 10 persons; proposed to be used: 1st floor, factory (heat treating), 20 persons; mezzanine, office, 5 persons; and

WHEREAS, the applicant contends that the occupant of the building is engaged in vital war work which comprises heat treating, which process provides for a group of seven steel tanks of varying capacities with a total capacity of 4,000 gallons of lubricating oil and that the oil is delivered to the premises in 55-gallon steel drums.

Resolved, that the order of the fire commissioner, Order 33951-LC, and the decision of the borough superintendent, Misc. Applic. 615-43, Objection 1, be and they hereby are *modified* and that the appeal be and it hereby is *granted on condition* that not more than 4,000 gallons of lubricating oil shall be stored on the premises; that such oil shall have a flash point of not less than 350 degrees F. and shall be stored in steel containers on the first floor as indicated on plan filed with this appeal marked "Received May 18, 1943"; that such oil shall be used only for the purpose as proposed; that such foamite or other portable extinguishers shall be maintained as the fire commissioner shall direct; that such oil shall be delivered to the premises only in approved 55-gallon drums; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that this variance shall continue only during the term of the present emergency.

285-43-A

APPLICANT—Plough, Inc., owner.

SUBJECT—Appeal from a decision of the fire commissioner re packaging of inflammable mixture known as "Mufti Dry Cleaner" in 2 oz., 6 oz. and 12 oz. glass bottles (capacity of glass bottles not in conformity with Administrative Code Specifications).

APPEARANCES—

For Applicant: Alexander S. Pilot.

For Administration: Insp. Meyer, Fire Dep't.

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ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (285-43-A)

WHEREAS, Plough, Inc., owner, filed on June 10, 1943, an appeal from a decision of the fire commissioner relating to the packaging of Mufti Dry Cleaner in glass bottles; and

WHEREAS, the decision of the fire commissioner dated May 28, 1943, reads:

"In reply to your communication of May 25th, 1943, please be advised that your request to package inflammable mixture known as 'Mufti Cleaner' in glass containers is hereby denied for the reason that the Mufti Cleaner is an inflammable mixture having a flashpoint below 32 deg. F. and Section C19-58.0 of Chapter 19 of the Administrative Code of the City of New York requires mixtures having a flashpoint below 80 deg. F. to be put up in airtight, screwtop cans or other approved containers containing no more than 12 ounces, and bearing the proper caution requirement and also the words, 'For Domestic and Household Use Solely as a Cleaning Fluid.'"

and

WHEREAS, the applicant contends that it is proposed to package Mufti dry cleaner in glass bottles of the Boston round type in 2, 6 and 12 oz. sizes, as manufactured by the Owens-Illinois Glass Company and as indicated on drawings Nos. A7230, A7232 and A7227, filed with this appeal and marked "Received August 16, 1943"; that each bottle will be equipped with a metal screw cap and space left for expansion; that bottles will be packed in 200-lb. test corrugated containers with separators between bottles, in accordance with the requirements of the Interstate Commerce Commission; that it is impossible to obtain screw cap cans for packaging this material and it is therefore necessary to resort to glass containers for the duration and for six months thereafter; and

WHEREAS, the applicant has filed a copy of laboratory report indicating that the flashpoint of Mufti Dry Cleaner is below 32 deg. F.; and

WHEREAS, the product is now permitted by the Fire Commissioner to be stored and sold in metal containers under Certificate 643.

Resolved, that the decision of the fire commissioner dated May 28, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* to permit the product to be stored and sold in glass bottles of the type described, in 2, 6 and 12 oz. sizes; that such bottles shall be labeled in accordance with the requirements of the Administrative Code and to the satisfaction of the fire commissioner; that this permit shall be for a term of six (6) months, pending the filing of an application by the Owens-Illinois Glass Company for test of the bottles.

357-43-S

APPLICANT—M. W. Del Gaudio, for George F. Stuhmer and Company and Pataken Realty Corp., owners (George F. Stuhmer and Company, lessee).

SUBJECT—Variation of the labor law as cited in an order of the fire commissioner.

PREMISES AFFECTED—413-431 Park avenue, 816-822 Kent avenue, northwest corner and 77-83 Taaffe place (cellar, 1st, 2nd and 3rd floors); (Block 1883, Lots 1-4 and 38-40), Borough of Brooklyn.

APPEARANCES—

For Applicant: Matthew W. Del Gaudio.

For Administration: Thomas A. Larkin, Fire Dep't.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum 3
Negative: Deputy Chief Gunn..... 1

THE RESOLUTION (357-43-S)

WHEREAS, M. W. Del Gaudio, for George F. Stuhmer and Co. and Pataken Realty Corporation, owners (George F. Stuhmer and Co., lessee), filed July 12, 1943, an application for variation of the labor law as cited in an order of the fire commissioner, affecting premises 413-431 Park avenue, 816-822 Kent avenue, northwest corner and 77-83 Taaffe place (1st, 2nd, 3rd floors and cellar); (Block 1883, Lots 1-4 and 38-40), Borough of Brooklyn; and

WHEREAS, Order 10728-LF, issued by the fire commissioner June 15, 1943, reads:

"1. Arrange iron bars and wire mesh screens on windows of 1-2-3rd and cellar stories on East, South and West sides of building, so as to be readily movable or removable from both sides in such a manner as to afford the free and unobstructed use of such windows for the purposes of egress as per Section 272 of the Labor Law.

4. Remove panic bolts from exit doors. Section 272 of the Labor Law."

and

WHEREAS, applicant states the building is 2 and 3 stories (34 ft.) in height, 185 ft. 3 in. by 82 ft. 11 in., irregular in area; of Class 1 and 3 construction; erected in 1875, extended in 1901 and 1936; located in an unrestricted use district; used and occupied: cellar, bakery and storage, 25 persons; 1st floor, loading, storage and mixing, 35 persons; 2nd floor, storage, flour bins, offices, 60 persons; 3rd floor, dwelling, two families; for which Certificate of Occupancy 87554 was issued May 26, 1938; that the building is equipped with three interior fireproof stairs, two of which extend to roof bulkhead; and

WHEREAS, the applicant contends as to item 1 of the fire commissioner's order, that the use of the building as a bakery requires that all ingredients be kept absolutely clean and every precaution taken against intrusion of unauthorized persons; that the cellar windows are 7 to 11 feet above floor and their use for exit would be impossible; that there are three fireproof stairways leading from cellar to 1st floor halls, which lead directly to street; that on the 1st floor, in addition to the three stairway entrances, are driveway doors and receiving doors, which are available for exit when the 1st floor is occupied; that on the 2nd story the windows facing the street could not be used for exit purposes, because of their distance from the sidewalk, while those facing the court could not be used for egress; that from the 2nd floor there are three fireproof stairs leading to 1st floor and thence to street; that two of these stairs lead to roof; that the communication between all parts of the building is such that horizontal exits have been developed, which permit unobstructed egress from any part of the building to any other part; and

WHEREAS, the applicant contends as to item 4 of the order, that panic bolts have been installed on the south leaf of door from 1st story stairhall to Kent avenue, on one of the two doors from stair No. 2 to Park avenue and on one of the two doors from cellar stairs to entrance hall at 1st floor on Taaffe place; that because of neighborhood conditions, it is essential that no one have access to the building except trusted employees and owner's representatives and it is therefore essential that unguarded doors be kept closed from the outside; that entrance for employees is provided by means of stairway No. 2 and entrance for visitors by means of stairway No. 1; that in the event of an emergency, free and unobstructed egress for all occupants is possible by means of the three stairways and by loading platform and receiving and delivery doors leading directly to street; that the building is equipped with a sprinkler system and fire alarm system; and that 25 windows on the cellar story are affected, 42 on the 1st story and 59 on the 2nd story.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law, as cited in an order of the fire commissioner, Order 10728-LF, and that the application be and it hereby is *granted* to permit the continuation of the iron bars and wire

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mesh screens on windows where indicated and as proposed, and to permit panic bolts to be installed on exit doors at street level as proposed, *on condition* that all exits and entrances shown on the three street fronts shall be maintained and that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board under Cal. Nos. 210-31-S and 313-36-A.

413-43-A

APPLICANT—John F. Finn, Jr., for Morris Roth, owner.
SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—47-11 108th street, northeast corner of 48th avenue (Block 2003, Lot 87), Corona, Borough of Queens.

APPEARANCES—

For Applicant: John F. Finn, Jr., and Morris Roth.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (413-43-A)

WHEREAS, John F. Finn, Jr., for Morris Roth, owner, filed August 26, 1943, an appeal from a decision of the borough superintendent, affecting premises 47-11 108th street, northeast corner 48th avenue (Block 2003, Lot 87), Corona, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated June 17, 1943, on Alt. Applic. 1576-42, reads:

"1. Decision of Board of Standards and Appeals under 429-37-BZ and 45-43-A mentions a 25' x 40' building only. The one and two story building approved under 19978/42 was approved on the condition that the rear extension of one and two stories was to be demolished. Any further extension of use, other than 25' x 40' building, of frame construction within the fire limits is contrary to Sec. 4.1.2 of the Building Code and would require the approval of Board of Standards and Appeals."

and

WHEREAS, the applicant states the building is one and two stories (14 ft. and 17 ft.) in height; 25 ft. by 68 ft. in area; of Class 4 construction; erected about 1919; located in a business use, C area district and used for newspaper storage and hay and feed storage; and

WHEREAS, the applicant contends that the premises have been considered by the Board under Cal. 45-43-A and 429-37-BZ; that this appeal involves application to permit a wooden addition to a legal frame building to remain as erected within the fire limits; that the exact date of erection is unknown; that the Board has granted temporary use of the premises for a period of two years; that the Building Department has refused to issue the Certificate of Occupancy, on the grounds that the frame addition to the building in question was not of the construction required within the fire limits; that this addition has been erected about 30 years and is vital to the owners operation of the premises; that the building in question is separate from the other buildings on the plot and cannot increase any fire hazard, and it is therefore requested that the Board permit the building in question to remain with the overall dimensions of 25 ft. by 68 ft.

Resolved, that the decision of the borough superintendent, acting on Alt. Applic. 1576-42, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall not be increased in height or area and shall be continued only as long as it is occupied as proposed and in all other respects, complies with all the requirements thereof, and the resolutions adopted by the Board under Cal. 429-37-BZ and Cal. 45-43-A, except that the area of the building 25 ft. by 68 ft. may con-

tinue; that this variance shall continue only for the term of the variance granted by the Board on April 6, 1943 under Cal. 429-37-BZ; that such portable fire fighting appliances shall be maintained as the fire commissioner shall direct.

414-43-A

APPLICANT—Eric Kebbon, for Board of Education, City of New York, owner.

SUBJECT—Appeal from a decision of the fire commissioner and a decision of the borough superintendent.

PREMISES AFFECTED—156-10 Baisley boulevard, east side, from 155th to 157th streets (Woodrow Wilson Vocational High School); (Blocks 3032, 3034, 3035 and 3037, Lots 1), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Gustave Goldman.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (414-43-A)

WHEREAS, Eric Kebbon, for Board of Education of the City of New York, owner, filed August 27, 1943 an appeal from a decision of the fire commissioner and a decision of the borough superintendent, affecting premises 156-10 Baisley boulevard, east side, between 155th and 157th streets (Block 3032, Lot 1, Block 3034, Lot 1, Block 3035, Lot 1, Block 3037, Lot 1), Jamaica, Borough of Queens; and

WHEREAS the decision of the fire commissioner, dated August 26, 1943, Folder 53256.01, reads:

"In response to your letter of March 26, 1943, please be advised that an inspection of the sprinkler alarm installed in above premises shows that same does not conform to Administrative Code and therefore cannot be accepted by this Department.

If you consider condition existing in above premises warrants any further consideration, I would suggest to take same up with the Board of Standards and Appeals."

and

WHEREAS, the decision of the borough superintendent dated September 22, 1943 on Misc. Applic. 2220-41, reads:

"1. Sprinkler alarm valve shall be of an approved type as required by C26-1340.0, Adm. Code."

and

WHEREAS, the applicant states that the building is 3 stories, and basement (69 ft.) in height, 370 ft. 10½ in. by 246 ft. 2½ in. in area, of Class 1 construction, erected in 1942, located in a business and residence use, D area district; equipped with a sprinkler system and occupied since February 27, 1942 as a public school (Woodrow Wilson Vocational High School), for which temporary Certificate of Occupancy Q29168, was issued May 14, 1943, superseding Certificate of Occupancy Q28361; and

WHEREAS, the applicant contends that the sprinkler system is equipped with an autocall water flow indicator valve connected to a normally open electric circuit and should a drop in pressure occur or a flow of water take place due to an open head, the device would automatically close the electric contacts and sound an alarm valve installed in the basement corridor; that in addition, this alarm valve is connected to the custodian's indicator system which will ring a bell in the boiler room and the custodian's office and also show up on the indicator panel in the custodian's office; that when the school is not in session, additional bells connected to the indicator system are to be rung throughout the building.

Resolved, that the decision of the borough superintendent acting on Misc. Applic. 2220-41, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is

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granted, to permit the continuance of the existing water flow alarm valve of the open circuit type in connection with the sprinkler system, until an alarm valve of approved type can be obtained and installed, but not beyond the term of the present emergency.

415-43-A

APPLICANT—S. J. Kessler and Son, for Havemeyers and Elder, Inc., owners.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—70-76 Kent avenue and 38-42 North 10th street, southwest corner (Block 2301, part of Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: John T. Briggs.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioner Blum and Deputy Chief Gunn..... 3
Negative 0
Absent: Commissioner Savage 1

THE RESOLUTION (415-43-A)

WHEREAS, S. J. Kessler and Son, for Havemeyers and Elder, Inc., owner, filed August 27, 1943 an appeal from an order of the fire commissioner, affecting premises 70-76 Kent avenue and 38-42 North 10th street, southwest corner (Block 2301, part of Lot 1), Borough of Brooklyn; and

WHEREAS, Order 10922-LF issued by the fire commissioner, July 29, 1943, reads:

"1. Arrange the standpipe system to conform to the requirements of Art. 17, Ch. 26, Adm. Code by complying with the following orders:

A. Seal open gate valves on standpipe line with proper seal consisting of chain and lock to prevent unauthorized persons from operating same.

B. Provide two-way (3) inch siamese connections for standpipe supply, with double clapper valves and caps and signs, to be placed on street front of building, not less than 18 in. nor more than three ft. above the sidewalk, and in a horizontal position accessible to the Fire Dept.

C. Replace missing 2½" hose outlets with proper valves for standpipe line and place same 5 ft. to 6 ft. above floor.

D. Replace missing defective hose at outlets of standpipe on all stories with sufficient 2½" approved hose in lengths not greater than 50 ft.

E. Provide an approved check valve in horizontal run of pipe on house side of meter at street main connection of standpipe.

F. Provide a sign at outside siamese connection reading "FOR STANDPIPE".

G. Replace missing hose nozzles of at least 15" in length, diameter of top not less than 1" nor more than 1½".

H. Provide a ¾" automatic ball drip for standpipe line, inside of building at lower level, between check valve and outside siamese connections when installed.

I. Arrange for a flow test by washing and cleaning of the standpipe system. Said test must be conducted in the presence of a representative of this Department and show 50 lbs. hydrostatic pressure in excess of working pressure of the system for half an hour. Note: Test is to be arranged for and conducted by the owner after all defects are complied with and said test is to be held at the owner's risk. The Fire Department, Div. of Fire Prevention must be notified at least 48 hours before the test. 490-A2, New York City Charter."

and

WHEREAS, the applicant states that the building is 4 stories (61 ft.) in height, 72 ft. by 119.83 ft. in area, of Class 1 construction, erected in 1911, located in an unrestricted use, A. area district and used and occupied as follows: 1st floor—warehouse—6 persons; 2nd, 3rd and 4th floors—warehouse—no persons; and

WHEREAS, the applicant contends that the building is of reinforced concrete, less than the permissible area of 10,000 sq. ft. and is divided by a 6-inch reinforced concrete wall running north and south between the exterior walls from foundation to the underside of roof slab; that the floor area is divided into two units by this wall, one unit 3,708 sq. ft. and the other 4,920 sq. ft.; that this wall is pierced on each floor by two openings, each protected on each side with an automatic rolling steel door and openings to the elevator shaft, which are protected by Peele counterbalanced fireproof doors; that when the building was erected, two standpipe lines were installed voluntarily; that these lines are out of repair, are not connected to water and are in disuse; that there is no provision in the Administrative Code requiring a standpipe in this building; that the building is used to unload and store entire carloads of materials which are redistributed and trucked to various points of destination; that there is a continuous movement of all materials unloaded from freight cars and temporarily stored in this building.

Resolved, that the order of the fire commissioner, Order 10922-LF, be and it hereby is modified and that the appeal be and it hereby is granted on condition that the existing standpipe be made to comply with the requirements for a building requiring a standpipe system as soon as the material is available therefor; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that the existing cross wall as indicated on plans filed with this appeal marked "Received August 27, 1943," shall continue on all floors; that in the meantime, such notice shall be attached to the standpipe as the fire commissioner shall direct indicating that the system is out of service.

429-43-A

APPLICANT—Edgar J. Moeller, for 231 West 54th Street Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—231 West 54th street, north side, 92.25 ft. west of Broadway (Block 1026, Lot 15), Borough of Manhattan.

APPEARANCES—

For Applicant: Edgar J. Moeller.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (429-43-A)

WHEREAS, Edgar J. Moeller, for 231 West 54th Street Corporation, owner, filed September 3, 1943, an appeal from a decision of the borough superintendent, affecting premises 231 West 54th street, north side, 92.25 ft. west of Broadway (Block 1026, Lot 15), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated September 2, 1943, on amendment to Alt. Applic. 612-43, reads:

"5. Records as shown by C. O. 14146, do not show existence of pent house. This was apparently built after 1913 and constitutes a building erected after 1913. Since building is over 4 stories in height, Section 270 Labor Law requires building to be of fireproof construction throughout. Reconsideration denied.

6. Proposed live load of 70 lbs. 2nd floor for storage and 75 lbs. L.L. for 3rd & 4th floors for manu-

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facturing and storage is not acceptable. Section 7.3.2.3-2 of Code required 220 lbs. L.L. minimum for these uses. Reconsideration denied."

and

WHEREAS, the applicant states the building is 4 stories and penthouse (43.5 ft. and 53 ft.) in height, 25 ft. by 94.5 ft. and 100.5 ft. in area; Class 3 construction; erected prior to 1880; located in business 1 and retail 1 use, B area district and occupied since 1934 as follows: cellar, kitchen, toilets and storeroom; 1st floor, restaurant, 100 persons; 2nd floor, restaurant and cabaret, 50 persons; 3rd floor, office, 6 persons; 4th floor, private gymnasium, 50 persons; penthouse—janitor's quarters, 2 persons; that Certificate of Occupancy 14146, was issued January 6, 1928, permitting the use of the building as business and public building in a business use district; as follows: cellar, storage; 1st floor, store, 100 lbs. liveload; 2nd floor, cabaret, 50 persons, 100 lbs. liveload; 3rd floor, office and kitchen, 6 persons, 100 lbs. liveload; 4th floor, cabaret, 50 persons, 100 lbs. liveload; and

WHEREAS, the applicant contends that the building was erected prior to 1888 as a 3-story stable and has since been altered to 4 stories and penthouse and used as a stable, automobile business, garage, store and lofts and finally as a restaurant, cabaret and gymnasium; that Alt. Applic. 612-43 has been approved to convert the building into a commercial occupancy with less than 25% manufacturing, consisting of mixing and compounding of perfumes, cosmetics, face powders, lip sticks and similar articles, without the use of heavy machinery and the total occupancy of the entire building being less than 35 employees; that an amendment was filed to the approved application requesting permission to retain the existing penthouse for use as a rest room for employees and to permit the existing cement floors to remain on the 1st to 4th floors, inclusive; that this flooring is in good condition and is fire-resistant; that the number of employees will be small; that the type of manufacturing requires no heavy machinery; that the raw crated and unopened material will be stored in the cellar, and the storage of boxes, cartons, etc. for packing the finished product and the uncrated raw material for current use, will be kept within the limits of the permitted liveloads, as indicated on the amendment filed with the borough superintendent; that in view of these conditions, it is requested variance be granted to permit the retention of the existing penthouse and the existing cement floors.

Resolved, that the decision of the borough superintendent acting on Alteration Application 612-43, Objection 5, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall not be further increased in height or area and the penthouse shall be occupied only in conjunction with the other uses in the building, as proposed; and as to Objection 6, that the floor construction shall be approved for not less than 70 lbs. per superficial foot for the second (2nd) floor (storage), and 75 lbs. per superficial foot on the third and fourth floors for manufacturing and storage; that the loading on such floors shall at no time exceed such capacities; that the present concrete surfacing on such floors may be continued; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

445-43-A

APPLICANT—George T. Phipps, for Colonial Beacon Oil Co., owner.

SUBJECT—Appeal from a decision of the fire commissioner, re transportation of petroleum product "Varsol" in tank truck not of approved type (capacity of tank truck not in conformity with Administrative Code Specifications governing tank trucks) in New York City.

APPEARANCES—

For Applicant: Joseph B. Lynch.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (445-43-A)

WHEREAS, George T. Phipps, for Colonial Beacon Oil Company, owner, filed September 16, 1943, an appeal from a decision of the fire commissioner, relating to the transportation of Varsol in a tank truck of 3,300 gallons capacity; and

WHEREAS, the decision of the fire commissioner, dated September 15, 1943, reads:

"In reply to your request of September 10th, to transport Varsol, a petroleum product through the City of New York in a tank truck of 3,300 gallons capacity, 12 gauge shell and 10 gauge head, be advised that such transportation would be in violation of Section C19-52.C of the Administrative Code."

and

WHEREAS, the applicant states that the truck which is stored at 320 Freeman street, north side at Provost street and Whale Creek (Block 2147, Lot 1), Brooklyn, is known as applicant's truck No. 1134, is a six wheel truck complying with all requirements of the State Motor Vehicle Bureau and is now used for hauling gasoline in Nassau and Suffolk Counties; that this truck has a capacity of 3,300 gallons, divided into 7 compartments of 468 to 472 gallons each, which is considerably less than the allowable 600 gallon compartments; that the truck is equipped with fire extinguishing equipment, consisting of two ½ gallon carbon tetrachloride extinguishers; that the tank shell is 12 gauge with 10 gauge heads; wheels are 10 by 22 in. weight unloaded, 20,100 lbs., loaded 40,500 lbs.; overall length 29 ft. and painted red; and

WHEREAS, the applicant further contends that the Varsol, which it is proposed to transport, is a combustible mixture with a flash point of about 104 degrees F. and is used as a cleaning fluid; that the modification herein requested is for a temporary period of six months or one year; that the product is being used at Army points and defense plants in Nassau and Suffolk Counties; that at the present time, deliveries are being made weekly in 55 gallon steel barrels, using a stake truck with a maximum load of 30 drums or 1,500 gallons; that demands now require 3,000 gallons weekly and the use of the truck herein requested, will save considerable mileage and permit the owner to meet requirements of the Office of Defense Transportation for curtailing excess haulage, a saving of 40% in mileage will occur and that no deliveries will be made within the city limits.

Resolved, that the decision of the fire commissioner dated September 15, 1943 be and it hereby is *modified* and that the appeal be and it hereby is *granted*, to permit tank truck No. 1134, to be used for the transportation of Varsol on condition that such transportation shall be only from the plant at Freeman street to beyond the City line into Nassau on a route as may be approved by the fire commissioner; that in all respects, other than the total capacity, the capacity per compartment and the thickness of the shell and head, the truck shall meet all requirements of the tank truck regulations, except that the covers need not be self-locking, provided the covers are manually locked at the plant and not opened within New York City; that this variance shall be for a term of one (1) year from the date of this resolution.

464-43-S

APPLICANT—William J. Minogue, for 16 West 60th Street Corporation, owner (United Thermo-Stable Corporation, lessee).

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

MINUTES

PREMISES AFFECTED—16-18 West 60th street, south side, 183.2 ft. west of Broadway (Block 1112, Lot 49), Borough of Manhattan.

APPEARANCES—

For Applicant: William J. Minogue and E. Milo Greene.

For Administration: Fred Dahlem and Samuel Cohen, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (464-43-S)

WHEREAS, William J. Minogue, for 16 West 60th Street Corporation, owner (United Thermo-Stable Corporation, lessee), filed September 28, 1943 an application for variation of the requirements of the Labor Law as cited in a decision of the borough superintendent, affecting premises 16-18 West 60th street, south side, 183.2 ft. west of Broadway (Block 1112, Lot 49), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent dated September 27, 1943, on Alt. Applic. 901-43, reads:

"1. Second means of exit from every floor should be an interior or exterior enclosed fireproof stairway, or a horizontal exit as per sec. 270-3 Labor Law."

and

WHEREAS, the applicant states that the building is 6 stories (75 ft.) in height, 50 ft. by 90 ft. in area, of Class 1 construction, erected in 1916, located in an unrestricted use district and used throughout for stores and showrooms—40 persons per floor; proposed to be used and occupied: cellar—storage and boiler room; 1st floor—stores—40 persons; 2nd floor—office, laboratory—50 persons; 3rd, 4th, 5th and 6th floors—factory—50 persons per floor; that the building is equipped with a two-source sprinkler system, a standpipe system, one 3 ft. 8 in. interior fireproof stairs equipped with fireproof self-closing doors and one exterior stairs at rear, extending by stairs to roof and terminating at first mezzanine level with egress therefrom through fireproof passageway at mezzanine level, connecting to primary means of egress at front of building and thence to street; that windows on the course of the exterior stairway are fireproof self-closing; and

WHEREAS, the applicant contends that although the exits do not conform fully to the Labor Law, they answer the spirit of the law; that inasmuch as a low occupancy of 250 persons above the first floor is requested and such occupants will be provided with two means of egress and that the tenant will manufacture a device for the U. S. Government, which is designed to save the lives of the men in the flying forces, it is requested that the Board grant a variation of the requirements of the Labor Law.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the labor law, as cited in a decision of the borough superintendent, acting on Alt. Applic. 901-43, and that the application be and it hereby is *granted*, as to Objection 1, *on condition* that the occupancy per floor shall not exceed that lawfully permitted for the primary means of exit, with due allowance for the two-source sprinkler system; that the existing exterior stairway shall comply with the requirements of the Labor Law and shall be continued, as shown on plans filed with the Building Department under, New Building Application 76-16; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, including the requirements of the State Labor Law, except that the fireproofing on structural members need not exceed 1½ inches of fireproofing, except on interior columns and girders; that the two-source sprinkler system and the standpipe system shall be maintained in accordance with the requirements and to the satisfaction of the fire commissioner; that the walls separating the

existing stairhall from the first floor occupancy shall be unpierced; that a new Certificate of Occupancy shall be obtained.

1095-27-A

APPLICANT—Kohler Company, Inc. (lessee), for 705 Fifth Avenue Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Appeal from a decision of the fire commissioner.

PREMISES AFFECTED—705-713 Fifth avenue and 3-5 East 55th street, northeast corner (Block 1291, Lots 1, 2, 3, 4 and 5), Borough of Manhattan.

APPEARANCES—

For Applicant: Oliver A. Van Ess.

ACTION OF BOARD—Appeal reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (1095-27-A)

WHEREAS, this appeal from a decision of the fire commissioner, affecting premises 705-713 Fifth avenue and 3-5 East 55th street, northeast corner (Block 1291, Lots 1, 2, 3, 4 and 5), Borough of Manhattan, was granted by the Board February 28, 1928 on certain conditions, the permit extended June 23, 1931, January 30, 1934, September 17, 1935, May 4, 1937, June 20, 1939 and May 6, 1941 and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted February 28, 1928, as amended through May 6, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"that this modification may be continued for a temporary term of two (2) years from the date of this amended resolution."

MATERIALS SUBMITTED FOR APPROVAL.

548-38-SM

APPLICANT—Structural Gypsum Division, American Cyanamid and Chemical Corporation, owner.

SUBJECT—Gypsteel Precast Gypsum Floor and Roof Slabs—approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (548-38-SM)

WHEREAS, the Structural Gypsum Division, American Cyanamid and Chemical Corporation, owner, filed on June 27, 1938, an application with the Board of Standards and Appeals, for the approval of the material known as Gypsteel Precast Gypsum Floor and Roof Slabs; and

WHEREAS, the applicant failed to make any arrangements for a test and inspection of this material, although duly notified to do so.

Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

1547-39-SM

APPLICANT—American Cyanamid and Chemical Corporation, owner.

SUBJECT—Gypsteel Gypsum Plasters (various finishes) and Kaneite Gypsum Plaster (prepared trowel finish for concrete surfaces), approval of.

MINUTES

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (1547-39-SM)

WHEREAS, the American Cyanamid and Chemical Corporation, owner, filed on December 28, 1939, an application with the Board of Standards and Appeals, for the approval of the material known as Gypsteel Gypsum Plasters (various finishes) and Kaneite Gypsum Plaster (prepared trowel finish for concrete surfaces); and

WHEREAS, the applicant failed to make any arrangements for a test and inspection of this material, although duly notified to do so.

Resolved, that the application be and it hereby is dismissed for lack of prosecution.

1144-38-SM

APPLICANT—McNamara Products Company, owner.

SUBJECT—Application for consideration—reopened June 29, 1943—re an amendment of the resolution—to consider new tests as provided in the resolution—re Flamex (Salenite Flameproofing); previously approved.

APPEARANCES—

For Applicant: Joseph Cortez.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (1144-38-SM)

WHEREAS, the Atlantic Salenite Company, agent-part owner for John H. Dirkes and associates, owners, filed December 9, 1938, an application with the Board of Standards and Appeals for approval of the material known as Salenite Flame Proofing; and

WHEREAS, this material was approved by the Board March 21, 1939, in accordance with the report of the Committee on Tests; and

WHEREAS, the McNamara Products Company, owner, requested reopening of the application and amendment of the resolution to permit the marketing of this material under the name of "Flamex"; and

WHEREAS, the resolution was amended accordingly on October 29, 1940, and the applicant requested a further amendment of the resolution; and

WHEREAS, this was reopened by vote of the Board on June 29, 1943 and referred to the Committee on Tests of the Board for a further test and report; and

WHEREAS, the report of the Committee on Tests, reads as follows:

REPORT OF COMMITTEE ON TESTS.

September 15, 1943.

Re: Cal. 1144-38-SM.

Subject: Flamex (Salenite) Flameproofing—Approval of.

Under date of March 21, 1939, the Board approved the material known as Salenite Flameproofing for use in New York City as a flameproofing compound under Sub. Art. 6 of Ar. 12 (12.6) and Sub. C26-720.0 paragraph C, Subdivision 4. On October 29, 1940, the application was reopened and the resolution of the Board amended to permit the marketing of the material as Flamex, provided that the rules for testing fire-resisting flameproof material shall be complied

with and that this material shall be resubmitted to the Board for test under such rules adopted May 3, 1940.

On June 29, 1943, on request of the McNamara Products Company, the owner, the application was again reopened, so that the proviso of the resolution of October 29, 1940, for retest, might be complied with. The representative of the applicant has stated that the composition of the material is the same as originally specified and as described in U. S. Patent No. 2073634, dated March 16, 1937.

Fabric submitted for test purposes was treated at 101 West 31st street, New York City, in the presence of representatives of the Committee on Tests of the Board, representatives of the manufacturer and of the Better Fabrics Testing Bureau. Sufficient solution was made to saturate the material, the cotton rep, was soaked in the solution. Excess moisture was removed by squeezing. The fabric was then dried 24 hours and submitted to tests in accordance with the Rules of the Board with the following results:

Sample No. 1 (cotton rep untreated)—Sample ignites readily, flames and burns.

Flashing—None.

Duration of Flame—No flaming.

Duration of Glow—No glowing.

The applicant has stated that the specific gravity of the material at 29° C. is 1001.—that the PH valve is 4.4.

RECOMMENDATION

On the basis of the foregoing data, the Committee on Tests recommends the approval of Flamex Flameproof Compound for use on fabrics listed herein as susceptible of being satisfactorily flameproofed by the proper application of this flameproofing compound of the saturation, Sp. Gr. and P.H. value as given herein. Tests for each specific installation of originally treated combustible material, or any retests thereof, shall be made by the Fire Commissioner, or in a laboratory approved by him in accordance with the Rules of the Board hereinbefore referred to.

The Committee further recommends that each container in which this material is marketed shall be labelled or marked "Approved by the Board of Standards and Appeals for use in New York City under Cal. No. 1144-38-SM." The label shall also include specifications and solution strength to be observed in the application of Flamex Flameproof Compound to the fabric so as to insure its being flameproofed in accordance with the requirements of the Rules for "Test of Fire-resistive, Flameproof Materials, such as Textiles, Paper, Similar Material and Adhesives used for Decorative Purposes and Treated Acoustical Draperies, Carpets and Similar Materials, for use in places of Public Assembly and Special Occupancy Structures," adopted by the Board under Cal. No. 294-40-SR.

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer.
Committee on Tests.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on March 21, 1939, as amended on October 29, 1940 and in accordance with the above report of the Committee on Tests.

Adjourned: 4:50 P.M.

JOSEPH J. DOYLE, Chief Clerk.

RULES

FACTORY EXIT RULES ADOPTED BY THE BOARD OF STANDARDS AND APPEALS FEBRUARY 23, 1927, AND AMENDED JANUARY 15, 1932

(64-27-SR)

STANDARD FACTORY EXITS

Section 1—Fire Escapes.

Rule 1. In any building erected prior to October 1, 1913, now occupied or to be occupied as a factory, more than five stories in height and not exceeding nine stories in height, nor in any case more than 90 ft. from curb level to top floor level, one of the required means of exit or escape under Section 271-1 of the Labor Law may consist of an outside fire escape, provided that:

(a) Any such fire escape hereafter erected shall comply with all the provisions of Section 273, labor law, and in addition thereto:

(1) The balconies and stairs shall be protected on the outside by substantial railings to a height of at least 4 ft. 6 in., measured from floor of balcony or center of stair treads constructed of bars at least one-half ($\frac{1}{2}$) inch in diameter, spaced not more than six (6) inches on centers, or of substantial grille work, or of screening not less than No. 10 U. S. gauge wire with not more than one and one-half ($1\frac{1}{2}$) inch mesh, all rigidly braced;

(2) When there is safe egress from the roof of the building to any adjoining structure, the fire escape stairway shall continue to the roof, and if there be no safe means of egress, a gooseneck ladder shall be provided from the top story balcony to the roof.

(b) Any such fire escape erected prior to October 1, 1913, shall conform in every respect with the requirements of paragraph (a) of this rule, except that balconies may be not less than 3 feet in width; the connecting stairs not less than 20 inches in width, and placed at an angle not exceeding 60 degrees if the building is not over six stories in height, otherwise at an angle of 45 degrees.

Rule 2. In any building erected prior to October 1, 1913, now occupied or to be occupied as a factory, five stories or less in height, one of the required means of exit under section 271 of the Labor Law may consist of an outside iron fire escape, provided that:

(a) Any such fire escape hereafter erected shall comply with all the provisions of Section 273, Labor Law.

(b) Existing fire escapes shall comply with all the provisions of Section 274, Labor Law and in addition thereto:

(1) The balconies shall be not less than 3 feet in width.

(2) The rails around balconies and well holes and on stairways shall be not less than 3 feet in height.

(3) Passageways on the balconies shall be not less than 14 inches in the clear.

(4) At least one opening to each balcony shall be a single fireproof casement door at least 2 feet wide and at least 6 feet in height, except that where the distance between the sill and lintel will not permit of an opening 6 feet in height, a casement door not less than 4 ft. 6 in. in height will be permitted.

Rule 3. The single fireproof casement doors leading to all fire escape balconies shall open out and shall be self-closing. An easily operated door lock with knobs on both sides of the door shall be provided.

Such fire doors may be at window sill level if fixed iron step at least two feet wide, with risers not exceeding eight (8) inches, and treads not less than eight (8) inches are provided on the inside from floor level to sills properly secured.

Rule 4 (a). Any such fire escape erected subsequent to October 1, 1913, and prior to these rules taking effect,

unless previously accepted as one of the required means of exit or escape by the administrative official having jurisdiction, shall conform in every respect to the provisions of these rules.

(b) A fire escape shall not hereafter be accepted as constituting one of the required means of exit or escape under Section 271-1 of the Labor Law, in any building erected prior to October 1, 1913, now occupied or to be occupied as a factory, exceeding nine stories in height, or more than 90 feet from curb level to top floor level.

Rule 5. All fire escapes shall be maintained structurally safe, properly painted, and kept clear of all obstructions.

Section 2—Enclosure of Factory Stairways.

Rule 6. Except as herein provided, in all factory buildings five stories or less in height, erected prior to October 1, 1913, in which there are more than twenty-five persons employed above the second story, all interior stairways serving as required means of exit, and the landings, platforms and passageways connected therewith, shall be enclosed on all sides by partitions of fire-resisting material extending continuously from the lowest point of the stairway in accordance with the following schedule:

Number of stories	Contents combustible, no sprinkler	Contents non-combustible, no sprinkler	Contents combustible, and sprinkler	Contents non-combustible and sprinkler
Three	Stairways Enclosed			
Four	Stairways Enclosed	Stairways Enclosed		
Five	Stairways Enclosed	Stairways Enclosed	Stairways Enclosed	

The term "contents" as used above means articles, goods, wares and merchandise, packed, stored, manufactured or in the process of manufacture.

The term "combustible" as used above means articles, goods, wares or merchandise which will burn or support combustion.

The term "sprinkler" as used above means an adequate automatic sprinkler equipment installed and maintained in good working order on each floor.

The term "story" as used above means that part of a building between any floor and the floor or roof next above;—the first story is that part of a building which is more than 50 per cent above the floor level and the floor next above the curb or average grade level.

Where the stairway extends to the top floor of the building, such partitions shall extend to the under side of the roof boarding. That portion of the under side of the roof beams within the stair enclosure shall be covered with fire-resisting material, except in buildings with roofs of non-combustible material, in which case the partitions may stop at the under side of the roof.

Where the stairway is required to extend to the roof, the enclosure shall be so built as to form a bulkhead. The enclosure shall be ventilated by a skylight in the roof with louvers or ventilators, or exterior windows with ventilating sections at the top floor.

All openings in such partitions shall be provided with approved self-closing fire doors, except where such openings are in the exterior wall of the building.

RULES

The bottom of the enclosure shall be of fireproof material at least four inches thick unless the partition extends to the cellar bottom.

A horizontal exit, as defined in section 267 of the Labor Law, will be accepted as a compliance with this rule when both sides of the fire wall or walls are occupied on any factory floor by the same occupant.

Rule 7. Where there are occupancies on any story or part of a story involving the storage or use below the top story of the following materials and exceeding the amount specified, and there are more than 5 persons employed at manufacturing above such occupancy, the interior stairway serving as required means of egress shall be enclosed on that story with fire-resisting material from floor to under side of floor above, including any exposed stair soffits, landings and passageways; openings shall be provided with approved self-closing fire doors.

Nitrocellulose in any shape or form, 10 pounds.

Volatile inflammable oils, 1 gallon.

Volatile inflammable mixtures, 5 gallons.

Combustible mixtures, 10 gallons.

Paints, varnishes and lacquers, 10 gallons.

Upholstering or mattresses, manufacturing or repairing.

Cotton, rag and paper sorting, 1 ton.

Paper box manufacturing.

Restaurants and lunch rooms with cooking (not including tea, coffee or similar beverages).

The Board shall rule upon new occupants as they arise and pass upon points under dispute.

When more than two stories are to be segregated, as above, the entire stairway shall be enclosed in fire-resisting material where there are more than 5 persons employed at manufacturing above the first story.

Rule 8. Required Exits and Enclosures of Stairways in Two-Story Factory Buildings.

1. Required Exits.—In every two-story factory building erected prior to October 1, 1913, in which more than five persons are employed at manufacturing, there shall be provided from each story at least two means of exit or escape from fire remote from each other, one of which from every floor above or below grade shall lead to or open on an interior stairway which shall be enclosed, as hereinafter provided, or on an exterior enclosed stairway. The other may lead to such a stairway, or to a horizontal or grade exit, or to an exterior screened stairway, or to a fire escape conforming to section 273, Labor Law, or rule 2 of these rules. Except that exit door shall be a fire door, with substantial steps to the sills properly secured when sill is more than 8 inches above the floor level; and where there is no safe egress from the roof, a gooseneck ladder shall be provided from top balcony to the roof, except on the front of buildings.

Unobstructed egress from the foot of the fire escape or exterior screened stairway shall be as required by section 273, Labor Law, or to open adjoining yard with egress to the street. No point on any floor of such building shall be more than one hundred and fifty (150) feet distant from such an exit.

Rule 9. Enclosure of Stairways.—In two-story buildings where there are occupancies on any story or part of a story involving the storage or use below the top story of any of the materials exceeding the amounts specified in Rule 7 and there are more than 5 persons employed at manufacturing above such occupancy, all interior stairways serving as required means of exit shall be enclosed from the lowest point of such stairway to the ceiling of the first floor by partitions of fire-resisting material, unless the building is provided with a wet sprinkler system, in which case such enclosure of stairways shall not be required. Such enclosures shall lead directly to a door opening outwardly to a street or road, or an open area affording unob-

structed passage to a street or road. All openings in such enclosure shall be provided with fire doors equipped with self-closing devices.

All reference herein to "Enclosure of Stairways" shall be considered as applying only to required stairways.

Rule 10. Storage of Combustible Material Within Factory Stairway Enclosures.

In all factory buildings no articles or wares of any nature shall be kept or stored inside the limits of any stairway enclosure or unenclosed stairway, or on the landings, platforms or passageways connected therewith.

But this shall not prohibit the erection and maintenance of a stand to be built of incombustible material and wire glass or ¼-inch-thick plate glass for the retail sale of cigars, cigarettes and tobacco and candies in original packages or daily newspapers in the public hall or corridor on the first story of any building provided there is no open flame. All portions of the stand and any portion of any permitted accessory use to same shall be set back at least 18 inches from the outside line of travel of the required legal width of exit. Each such stand shall be provided with at least one approved 2½-gallon chemical fire extinguisher.

Section 3—Safe Egress from Roofs of Factory Buildings.

Rule 11. Interior stairways serving as required means of exit in factory buildings erected after October 1, 1913, and not exceeding five stories in height, and in buildings erected before October 1, 1913, now occupied or to be occupied as a factory, shall not be required to extend to the roof where there is no safe egress from the roof, under Sections 270, 271 and 272, Labor Law.

(a) When the roofs, or the top of the parapet wall of an adjoining building are more than eight feet below or more than five feet above the top of the parapet wall of the building in question, and there is no outside party wall fire escape, party wall exterior screened stairway, party wall balconies or bridges, or where any outside exits do not connect to adjoining buildings at roof level, or where there are no unbarred window openings five feet above the roof or parapet wall of the building in question.

(b) When the roof of the building in question has a pitch exceeding one foot in six feet of horizontal run.

Rule 12 (a). When there is no safe egress from the roof, as above described, there shall be in all cases at least a double-rung ladder at the top of the interior stairway, and within the interior stairway enclosure when stairway is enclosed. Such ladder shall be at least 18 inches in width and shall be properly secured at top and bottom. The ladder shall lead to a scuttle opening not less than 2 feet by 3 feet or be of such additional area as may be required to provide ample head room. The scuttle cover shall be hinged and of light weight construction, or be counter-balanced. An easily operated hook may be provided on scuttle cover.

(b) Where the stair bulkhead door opens within 10 feet from the open edge of the roof, an iron railing properly braced at least 3 feet high and at least 10 feet long shall be provided at the edge of roof.

SUBSTANDARD FACTORY EXITS

Section 4—Fire Escapes.

Rule 13. When in addition to the required exits from any factory or factory building, there exist other means of egress which are not entirely in accordance with the requirements of the Labor Law and the Rules of the Board of Standards and Appeals, such means of egress may be retained under the following conditions:

(a) Fire Escapes.—All substandard fire escapes on factory buildings shall be maintained, structurally safe, properly painted, and with the openings leading thereto, kept in good repair.

RULES

In lieu of a counter-balanced stairway, a drop ladder in guides with a back-drop gravity hook may be provided.

The drop ladder shall be of sufficient length to reach from the lowest balcony to the ground or safe landing place with a passageway opening cut in the balcony rail, which rail shall be properly braced.

When such substandard fire escapes are located in a court, side or rear of a building, proper egress to a point of safety shall be provided, either to open adjoining yards, or the lowest balcony may be connected to an adjoining fire escape, exterior stairway, to the roof of adjoining extensions, or other means of egress satisfactory to the authorities having jurisdiction.

Substandard fire escapes shall be kept clear of all obstructions, shall not be used for fire drills, and shall not be considered as a basis for increase in occupancy.

Section 5—Stairways and Bridges.

Rule 14. Interior Stairways.—All interior stairways not conforming to the requirements of the Labor Law or

rules of the Board of Standards and Appeals may be retained, provided that egress to same is maintained unobstructed, halls are properly lighted, and all landings, passageways, etc., are maintained free and unobstructed. An easily operated panic bolt or other similar device may be installed at street exit door.

Rule 15. Exterior Screened Stairways.—Exterior screened stairways not serving as a required means of egress shall be maintained structurally safe and properly painted, exits thereto and all platforms and passageways thereof shall be maintained unobstructed and egress from termination shall be provided as required for substandard fire escapes in subdivision a.

Rule 16. Horizontal Bridges.—Horizontal bridges and party wall balconies between buildings shall be maintained structurally safe and properly painted, and access thereto and all passageways thereof shall be maintained unobstructed.

Rule 17. No sign of any character shall be placed at openings leading to these substandard exits.

NOTICE

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the Board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication of this BULLETIN of the calendars of the Board, each case being set down by Calendar Number and the premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the

offices of the Board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the Board is to dispose of all cases promptly; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

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FORMS FOR NOTICE TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such

copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

BULLETIN

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CITY OF NEW YORK

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

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BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, Chief Clerk

CERTIORARI ORDERS SERVED ON THE BOARD OF STANDARDS AND APPEALS

On October 5, 1943, copy of Petition and Order of Certiorari was served on the Board by Bogart & Lonergan, attorneys, on behalf of Harry J. Hoffman, owner, in re decision of the Board on September 14, 1943, modifying the decision of the Borough Superintendent and granting the appeal on certain conditions as recommended in Report of Committee of Inspection, which included limitation of the number of pigeons to be maintained to fifteen, not to be allowed at large, and that the keeping of pigeons should not be carried on as a business in the residence district; Cal. No. 332-43-A; premises 77-52—74th street, Glendale, Borough of Queens.

* * *

On October 6, 1943, copy of Petition and Order of Certiorari was served on the Board by Victor D. Borst, Jr., attorney for Mae B. MacDowell, owner, in re decision of the Board on September 14, 1943, affirming the decision of the Borough Superintendent, who denied application for use of the premises in a residence district as a commercial stable; Cal. No. 346-43-A; premises 87-86—188th street, west side, 100 ft. north of Hillside avenue, Hollis, Borough of Queens.

COURT DECISION.

Matter of Hans Riesenfeld and Marie Reisenfeld, et al., objectors (Board of Standards and Appeals):—On May 5, 1942, the Board granted, under Section 7d of the building zone resolution, an application to permit in a residence use district the use of a plot of ground as a recreational area for the tenants of a building not located on the same lot with the proposed use, as an adjunct of a housing development; Cal. No. 176-42-BZ; premises 56-39 to 56-51—30th avenue, Woodside, Borough of Queens. Mr. Justice Hallinan at Special Term, Supreme Court, sustained the Board (N. Y. L. J. October 1, 1942).

Appellate Division, Supreme Court, Second Department, affirmed order at Special Term, Supreme Court, vacating a certiorari order and confirming the determination of the Board. (N. Y. L. J. October 5, 1943).

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

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CALENDAR

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- | <i>Cal. No.</i> | <i>Dept.</i> | <i>Premises Affected</i> |
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| 468-43-S | H.B.B. | 39-41 Waverly avenue, east side, 133 ft. 2 in. north of Park avenue (Block 1874, part of Lot 1), Borough of Brooklyn, Alt. 1582-43. |
| 469-43-S | F.D. | 21-10 49th avenue, southeast corner of 21st street (3rd and 4th floors); (Block 71, Lot 1), Long Island City, Borough of Queens, Decision. |
| 470-43-SA | | Chemistat (Proportioning feed for treating water with sodium silicate), Appliance. |
| 471-43-S | F.D. | 1768-1784 Dean street, south side, 233 ft. 2 in. west of Rochester avenue (1st floor); (Block 1349, Lots 21 to 30, inclusive), Borough of Brooklyn, 11059-L.F. |
| 472-43-A | F.D. | 755 East 134th street, north side, 100 ft. west of Willow avenue and 147 Willow avenue (Block 2563, Lot 45), Borough of The Bronx, 18976-L.F. |
| 473-43-S | H.B.B. | 52-54 Sands street, southeast corner of Adams street (Block 86, Lot 7), Borough of Brooklyn, B.N. 1219-43. |
| 474-43-S | H.B.B. | 124-130 Atlantic avenue, south side, 134 ft. 4 in. east of Henry street and 121-125 Pacific street (Block 285, Lot 12), Borough of Brooklyn, B.N. 1406-43. |
| 475-43-S | F.D. | 45-17 Pearson street, east side, 150 ft. south of Jackson avenue (Block 84, Lot 11), Long Island City, Borough of Queens, Decision. |
| 476-43-A | H.B.M. | 1317-1329 Broadway, west side, from West 34th street to West 35th street, 441-459 Seventh avenue, 105-173 West 34th street and 108-166 West 35th street (Block 810, Lot 1), Borough of Manhattan, B.N. 1566-43. |
| 477-43-SM | | Flameproof M Flameproofing Compound, manufactured by Clarion Chemical Corporation, Material. |

Restored to Calendar.

- 373-38-BZ—H.B.Q.—1401-1409 Far Rockaway boulevard and 1149-1161 Nameoke street, southwest corner (Block 38, Lot 40), Far Rockaway, Borough of Queens, N.B. 55-43.
- 1020-38-SM—Hudson Atlas Portland Cement and Northampton Atlas Portland Cement, Atlas White Portland Cement and Atlas Waterproofed White Portland Cement, Material.

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

RULES

Last Publication in Bulletin

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Certificates of Occupancy, approved form	Nov.	25, 1941—Vol. 26, No. 47
Concrete Flat Slabs, Rules	July	13, 1937—Vol. 22, No. 28
Concrete Masonry Units, Rules for Manufacture, Testing and Use of	June	24, 1941—Vol. 26, No. 25
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Tank Trucks, Gasoline, etc.	Nov.	24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr.	10, 1923—Vol. 8, No. 15

Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

OCTOBER 13, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Wednesday morning, October 13, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Zoning Applications.

198-20-BZ—Application of Henry Nordheim, applicant, on behalf of Maresca Co., Inc., owner, reopened September 14, 1943, under section 7c of the zoning resolution, to permit in a business use district, the inclusion of a motor vehicle repair shop in a public garage—the said public garage was previously granted by the Board; premises 2653 Webster avenue, west side, 151.03 ft. south of East 195th street (Block 3277, Lot 36), Borough of The Bronx.

663-42-BZ—Application, September 8, 1942, under sections 7e and 21 of the zoning resolution, of Jacob Beller, applicant, on behalf of Henrietta Coopersmith, owner (Annie Oakley, lessee), to permit in a residence use district, for a term of two years, the conversion of occupancy of an existing frame structure, to a stable for

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more than five horses and also, as a riding academy; premises 90-17 71st avenue and 70-67 to 70-79 Walnut street, northwest corner (Block 3899, Lot 1), Forest Hills, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 13, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Wednesday afternoon, October 13, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

615-42-A—1680 Broadway, east side, 104 ft. south of West 53rd street (Block 1024, Lot 38), Borough of Manhattan.

383-43-A—Re transportation of fuel oil (lighter than Nos. 5 and 6) in tank trucks not of approved type (capacity of tanks not in conformity with Administrative Code Specifications covering tank trucks), in New York City.

382-43-A—150 Ocean parkway, west side, 395 ft. south of Caton avenue (Block 5328, Lot 30), Borough of Brooklyn.

389-43-A—481-497 Eighth avenue, west side, from West 34th street to West 35th street, 301-307 West 34th street and 300-320 West 35th street (Block 758, Lot 37), Borough of Manhattan.

421-43-S—37-43 Greene street, west side, 66 ft. north of Grand street (Block 475, Lot 53), Borough of Manhattan.

447-43-A—113-44 208th street, northwest corner of 114th (Murdock) avenue; (Block 11003, rear of Lot 173), St. Albans, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 19, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, October 19, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Zoning Applications.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

404-43-BZ—Application, August 16, 1943, under sections 7c and 21 of the zoning resolution of Charles A. Duncker, applicant on behalf of Taverna Coal Co., owner, to permit in a residence use district, the erection and maintenance of a building to be used as an office and garage for four (4) motor vehicles to be used in conjunction with the existing coal yard on the site; premises 51-67 Manee avenue, east side, 531.78 ft. south of Amboy road and 52-56 Bayview avenue (Block 6751, Lot 284), Princes Bay, Borough of Richmond.

336-37-BZ—Application of Julius Fishkind, applicant, on behalf of The New York Public Library, owner (Sun Industries, Inc., lessee), reopened September 28, 1943, as to additional use—sale of used cars, re Application, previously granted on condition, under section 7h of the zoning resolution, permitting in a retail use district, for a temporary term of two years, the parking and storage of more than five motor vehicles; premises 322-328 West 57th street, south side, 275 ft. west of Eighth avenue (Block 1047, Lots 44 and 46), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 19, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, October 19, 1943 at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

191-43-A—15 West 77th street and Central Park West at 79th street (Block 1130, Lot 1), Borough of Manhattan.

148-42-A—5-19 47th avenue, north side, 174.93 ft. east of East 5th street (West avenue); (Block 28, Lot 17), Long Island City, Borough of Queens.

442-43-A—Re use and marketing of inflammable mixture, known as "Cat's Paw Rubber Cement" in one-gallon tin containers (label on containers not in conformity with Administrative Code requirements).

Material and Appliance for Approval.

324-43-SM—Richmond One and One-half Hour Flush Metal Clad Kalamein Fire Door in Pairs.

386-43-SA—Security Fire Door Company Type DLS Interlock.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 26, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, October 26, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Appeal from Administrative Decision.

478-43-A—42-02 55th drive, north side, 166 ft. west of 43rd street (Block 2518, Lots 58 and 101 and Block 2519, Lot 1), Maspeth, Borough of Queens (under section 35, General City Law—re bed of mapped street—42nd street).

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 9, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, November 9, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Zoning Application.

1051-27-BZ—Application of Lama and Proskauer, applicants, on behalf of Rutland Parkway, Inc., owner (Sinclair Oil Refining Co., lessee), reopened December 1, 1942, under sections 7c and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of an auto laundry (located upon an existing

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gasoline service station) to a motor vehicle repair shop and, also, the inclusion of parking and storage of more than five motor vehicles; premises 724-740 Ralph avenue and 81-101 East 98th street, northwest corner (Block 3530, Lot 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 16, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, November 16, 1943*, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Appeal from Administrative Decision

364-43-A—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 7, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 7, 1943*, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Zoning Application.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, OCTOBER 5, 1943

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

The minutes of the regular meetings of the Board held on Tuesday morning, September 28, 1943, and Tuesday afternoon, September 28, 1943, were approved as printed in Bulletin No. 40, Volume 28.

ZONING CASES

1051-27-BZ

APPLICANT—Lama and Proskauer, for Rutland Parkway, Inc., owner (Sinclair Oil Refining Co., lessee).
SUBJECT—Application reopened December 1, 1942 (decision of the borough superintendent) under sections 7c and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of an auto laundry (located upon an existing gasoline service station) to a motor vehicle repair shop and, also, the inclusion of parking and storage of more than five motor vehicles.

PREMISES AFFECTED—724-740 Ralph avenue and 81-101 East 98th street, northwest corner (Block 3530, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama and Nicholas Stuller.

For Opposition: Frank Goldenberg.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 9, 1943 at 10 A. M. on request of applicant. Applicant to file revised plans and for further consideration by the Board.

177-42-BZ

APPLICANT—Lama and Proskauer, for John F. McKenna, owner.

SUBJECT—Application reopened October 27, 1942 (decision of the borough superintendent) under section 21 of the zoning resolution, to permit partly in a

business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution.

PREMISES AFFECTED—582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: Edward F. Kelleher and others.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to December 7, 1943, at 10 A. M. on request of applicant.

663-42-BZ

APPLICANT—Jacob Beller, for Henriette Coopersmith, owner (Annie Oakley, lessee).

SUBJECT—Application (decision of the acting borough superintendent) under sections 7e and 21 of the zoning resolution, to permit in a residence use district, for a term of two years, the conversion of occupancy of an existing frame structure, to a stable for more than five horses and also, as a riding academy.

PREMISES AFFECTED—90-17 71st avenue and 70-67 to 70-69 Walnut street, northwest corner (Block 3899, Lot 1), Forest Hills, Borough of Queens.

APPEARANCES—

For Applicant: Jacob Beller.

For Opposition: Delmer E. Moreners.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to October 13, 1943 at 10 A. M. on request of applicant.

373-38-BZ

APPLICANT—George H. Cohn, for Crew Levick Corporation, owner.

SUBJECT—Application for consideration—reopening and rehearing under section 7f of the zoning resolution

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—Application (decision of the borough superintendent) previously denied under section 21 of the building zone resolution, to permit partly in a residence use district and partly in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—1401-1409 Far Rockaway boulevard and 1149-1161 Nameoke street, southwest corner (Block 38, Lot 40), Far Rockaway, Borough of Queens.

APPEARANCES—

For Applicant: Martin D. Eile.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

258-35-BZ

APPLICANT—Henry C. Brucker, for Octagon Laundry, Inc., owner.

SUBJECT—Application reopened July 27, 1943 for consideration re amendment to resolution (decision of the acting borough superintendent)—Application, previously granted on condition, under section 7b of the zoning resolution, permitting the extension from a business use district into a residence use district of an existing wet wash laundry and the erection, partly in a business use district and partly in a residence use district, of a proposed garage for more than five motor vehicles as an accessory to the laundry.

PREMISES AFFECTED—2120-2124 Menahan street (rear), south side, 185.96 ft. east of Grandview avenue (Block 3373, Lot 18), Ridgewood, Borough of Queens.

APPEARANCES—

For Applicant: None.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION. (258-35-BZ)

WHEREAS, this application under section 7b of the zoning resolution, permitting the extension from a business use district into a residence use district of an existing wet wash laundry and the erection of a garage for more than five vehicles as an accessory to the laundry, affecting premises 2120-2124 Menahan street (rear), south side, 185.96 ft. east of Grandview avenue (Block 3373, Lot 18), Ridgewood, Borough of Queens, was granted by the Board on November 6, 1935, on certain conditions, resolution amended on November 26, 1935; and

WHEREAS, the applicant requested a further amendment of the resolution and this case was reopened by vote of the Board on July 27, 1943 and set for hearing on September 21, 1943; and

WHEREAS, the premises were inspected by a committee of the Board; and

WHEREAS, the applicant thereafter informed the Board that he desired to withdraw his request for amendment of the resolution.

Resolved, that the request for amendment of Board's resolution be and it hereby is *withdrawn*.

82-43-BZ

APPLICANT—James A. Boyle, for Louis L. Ahlers and Mary Fromer, owners (Celtic Circle, Inc., Sheepshead Bay Unit No. 1, lessee).

SUBJECT—Application reopened July 20, 1943 (decision of the borough superintendent) under section 7c of the zoning resolution, to permit partly in a residence use and partly in a business use district, the erection of a grandstand for an athletic field, the use of which is primarily for business purposes (previously dismissed for lack of prosecution).

PREMISES AFFECTED—1232-1254 Avenue Z and 2602-2644 East 13th street, southwest corner and 2601-2649 Homecrest avenue (Block 7457, Lots 1 and 15), Borough of Brooklyn.

APPEARANCES—

For Applicant: Edward A. Tamm and P. Siciliano.

For Opposition: Mrs. B. Stone, Clara Renner, Gertrude Moses, Frank Soldo, John Sundell, Gustave Thill, Harold Klorfein, Dep't of Parks.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (82-43-BZ)

WHEREAS, this application under section 7c of the zoning resolution, to permit partly in a residence use and partly in a business use district, the erection of a grandstand for an athletic field, the use of which is primarily for business purposes, affecting premises 1232-1254 Avenue Z and 2602-2644 East 13th street, southwest corner and 2601-2649 Homecrest avenue (Block 7457, Lots 1 and 15), Borough of Brooklyn, was dismissed for lack of prosecution on May 4, 1943; and

WHEREAS, the applicant requested a reopening of the case and restoration to the calendar; and

WHEREAS, this case was reopened by vote of the Board on July 20, 1943, subject to usual procedure; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting October 5, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that Avenue Z is in a business use district, East 13th street is in a residence and business use district; Homecrest avenue is in a residence and business use district; and Circumferential parkway is a business use district; and

WHEREAS, the decision of the borough superintendent dated June 18, 1943 on amendment to B. N. Application 990-42, reads:

"1. The erection of a grandstand for an athletic field, the use of which is primarily for business purposes, located partly in a residence district is contrary to Sec. 3 of the Zoning Resolution."

and

WHEREAS, the applicant states that the premises consist of an irregular shaped plot of ground having a frontage of 200 ft. on Avenue Z, 364 ft. on East 13th street and 411 ft. on Homecrest avenue; that the Avenue Z frontage of the plot (for a depth of 100 ft.) is located in a business use district and the remainder of the plot is in a residence use district, and that it is proposed to use the plot as an athletic field, the use of which is primarily for business purposes; and

WHEREAS, the premises were inspected by a committee of the Board; and

WHEREAS, the Board interpreted the decision of the Borough Superintendent as a finding as to the unlawful extension of the field itself into a more restricted district and not confined to the grandstand only, as extended into the more restricted district; and

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WHEREAS, a plan was filed showing the location of the baseball diamond located at the corner of the field adjacent to Avenue Z and East 13th street; and

WHEREAS, the Board deemed that this was a proper case in which to exercise its discretion to grant a variation under section 7-c of the zoning resolution.

Resolved, that the Board of Standard and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution and that the application be and it hereby is *granted* under section 7-c thereof, to permit a portion of the premises in the residence use district to be occupied in conjunction with the premises in the business use district, as an athletic field for a term of two (2) years from the date of this resolution, *on condition* that there shall be constructed on the building line and on the interior lot line continuously, a substantial tight-board fence not less than 8 feet in height; that such fence shall be kept in good repair and kept painted a light color; that no portion of it shall be made removable; that no signs shall be erected thereon; that along Homecrest avenue there shall also be erected, either in connection with the fence or as a separate structure on the field side, a substantial wire screen to a height as may be approved by the Commissioner of Parks, so as to obviate the danger of baseballs falling on adjacent or adjoining property; that no portion of the fence or any other structure shall be erected outside the building line and any part now beyond the building line shall be removed; that such exit gates shall be constructed as the borough superintendent shall require; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that no games or athletic contests shall be held at night; that any loud speaker maintained shall be so located below the level of the fence as not to cause a nuisance to adjoining neighbors; that adequate toilet facilities shall be provided within the field; that in all other respects, the occupancy shall comply with all laws, rules and regulations applicable thereto other than as modified by the Board under Cal. 184-43-A; that all permits required shall be obtained and all work completed within six (6) months from the date of this resolution.

437-43-BZ

APPLICANT—Bernard A. Abrashkin, for 421-429 West 54th Street Corporation, owner.

SUBJECT—Application (decision of the borough superintendent) under section 21 of the zoning resolution, to permit in a residence use district, the conversion of occupancy of a building occupied as a garage for more than five motor vehicles and service station to a factory.

PREMISES AFFECTED—421-429 West 54th street, north side, 300 ft. west of Ninth avenue (Block 1064, Lots 16, 17 and 18), Borough of Manhattan.

APPEARANCES—

For Applicant: Bernard A. Abrashkin.

For Opposition: Andrew Taggard.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (437-43-BZ)

WHEREAS, Bernard A. Abrashkin, for 421-429 West 54th Street Corporation, owner, filed September 8, 1943, an application under section 21 of the zoning resolution, to permit in a residence use district, the conversion of occupancy of a building occupied as a garage for more than five motor vehicles and service station to a factory; affecting premises 421-429 West 54th street, north side, 300 ft. west of Ninth avenue (Block 1064, Lots 16, 17 and 18), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meet-

ing, October 5, 1943, after due publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that West 54th street is in residence, retail and business use districts; West 55th street is in residence, retail and business use districts; Ninth avenue is in a retail use district and Tenth avenue is in business and unrestricted use districts; and

WHEREAS, the decision of the borough superintendent, dated September 2, 1943, reads:

"Your application dated August 30, 1943, for a certificate of occupancy for above-mentioned premises has been received.

In reply, you are advised that in accordance with our instructions an Inspector of this department examined these premises August 31st and reports that the building is a 6-story fireproof business building in a residence district, the occupancy of which as a garage and service station is permitted under Certificate of Occupancy 16432, now in force.

Your application requesting manufacturing use of said building cannot be approved, as such use, in a residence district, would constitute a conversion from one non-conforming use to another non-conforming use and would therefore be contrary to Art. 2, Sections 3 and 6 of the Zoning Resolution."

and

WHEREAS, the applicant states that the existing building, erected in 1922, is fireproof, six stories in height, 125 ft. frontage by 100 ft. 5 in. in depth and that it is proposed to convert the occupancy of the existing building to a factory (which according to Certificate of Occupancy 16432, dated May 22, 1930, is occupied as garage for more than 5 autos and service station); and

WHEREAS, the applicant amended his appeal to bring it under section 21, instead of section 7, subdivision c; and

WHEREAS, the Board deemed that the applicant had substantiated a basis of appeal under section 21 of the zoning resolution, and was, therefore, entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution, and that the application be and it hereby is *granted* under section 21 thereof, for a term of ten (10) years from the date of this resolution, to permit the building to be occupied for factory purposes as proposed, *on condition* that the occupancy of this building during such term shall be entirely by the company or its successors in the same line of business; that no signs shall be erected on the exterior or roof of the building, except that a permanent sign may be erected on the front portion of the building below the second-story belt course; that any existing signs attached to or painted on any portion of the exterior shall be removed; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations, including the requirements of the State Labor Law, that are applicable thereto; that a new certificate of occupancy shall be obtained after plans have been filed with and approved by the borough superintendent as in conformity with the requirements of this resolution; that all permits required shall be obtained and all work completed within one (1) year from the date of this resolution.

1392-17-BZ

APPLICANT—Henry J. Nurick, for Jess Lewis, Inc., lessee.

SUBJECT—Application for consideration—reopening and amendment of resolution—Application (decision of the borough superintendent) under section 21 of the zoning resolution, to permit in a business use district the alteration of part of a building used as a garage for more than five motor vehicles and motor vehicle repair shop (previously granted by the Board) to factory use.

MINUTES

PREMISES AFFECTED—2201-2211 Tilden avenue, north side, 143 ft. west of Bedford avenue (Block 5126, Lot 62), Borough of Brooklyn.

APPEARANCES—

For Applicant: Henry J. Nurick.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (1392-17-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting the erection and maintenance of a garage for more than five motor vehicles, affecting premises 2201-2211 Tilden avenue, north side, 143 ft. west of Bedford avenue (Block 5126, Lot 62), Borough of Brooklyn, was granted by the Board on October 30, 1917, on certain conditions, resolution amended on May 26, 1936 and the applicant requested a further amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of October 30, 1917, as amended through May 26, 1936, by adding thereto:

"that in the event the owner desires to occupy the front portion of the building as a factory as indicated on plans marked 'Received September 23, 1943' such change of use of the front portion of the building may be permitted, on condition that a lawful masonry wall shall be constructed to separate the portion proposed to be occupied as a factory from the rear portion proposed to be continued as a garage with no openings therein; that such wall shall continue through the roof or up to the under side of the roof boarding; that the sprinkler system shall be maintained throughout in accordance with the requirements and to the satisfaction of the fire commissioner; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, as amended under resolution adopted by the Board and above referred to.

495-32-BZ

APPLICANT—Moses Goldberg, present owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Application (decision of the superintendent of buildings) previously granted on condition, under section 21 of the zoning resolution, permitting partly in a business use and partly in a residence use district, the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—122-13 to 122-21 Rockaway boulevard, northwest corner of 123rd street (Block 2512, part of Lot 7), South Ozone Park, Borough of Queens.

APPEARANCES—

For Applicant: Moses Goldberg.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (495-32-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting partly in a business use and partly in a residence use district, the erection and maintenance of a gasoline service station, affecting premises 122-13 to 122-21 Rockaway boulevard, northwest corner of 123rd street

(Block 2512, part of Lot 7), South Ozone Park, Borough of Queens, was granted by the Board on January 23, 1934, on certain conditions, resolution amended on May 8, 1934 and June 15, 1943 and the applicant requested a further amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of January 23, 1934, as amended May 8, 1934 and June 15, 1943, so that as amended, the resolution shall read:

"Granted on condition that the premises to be occupied shall be leveled substantially to the grade of Rockaway boulevard and East 123rd street; that the accessory buildings shall be located toward the northerly portion of the plot as indicated on plans filed with this application; that the accessory building shall be constructed of brick and incombustible material, except that the roof beams and roof boarding, door frames and doors, window frames and sash may be of wood, provided the roof surfacing is of incombustible material and all ceilings are fire-retarded in accordance with the rules of the Board; that these buildings shall not exceed one story in height and shall have no cellar or excavation except for greasing pits; that there shall be erected on the lot line where not covered by walls of the accessory buildings on East 123rd street to the intersection of Rockaway boulevard, a brick wall faced on both sides with face brick to match that used on the accessory building; that this wall shall be not less than 4 ft. in height, except that it may be not less than 2 ft. in height for a distance of 25 ft. from the corner formed by the intersection of Rockaway boulevard and East 123rd street; that this wall shall be coped with a sloped coping; that on the westerly lot line, a similar wall shall be constructed from the accessory building to Rockaway boulevard and not less than 4 ft. in height; that the balance of the plot between the accessory building and Rockaway boulevard shall be cement paved; that entrances to the premises shall be limited to two from Rockaway boulevard with curb cuts not exceeding 30 ft. in width and no part of any curb cut nearer than 8 ft. from 123rd street building line or the westerly interior lot line as extended; that gasoline pumps shall be not nearer than 10 ft. to the street line; that there shall be no motor vehicle repairing permitted on the premises; that no open flames shall be permitted; that there shall be no parking or storage of cars other than those being serviced; that all signs shall be restricted to the illuminated globes of the gasoline pumps and to permanent flat signs attached to the face of the accessory buildings, except that no signs shall be attached to the exterior walls of the accessory buildings to the east, west or north; that there shall be no portable gasoline pumps used on or from the premises; that the balance of the lot to the north shall be graded and seeded to grass and kept mowed and in a presentable condition, free from rubbish, at all times until such time as this portion of the plot is improved with a building for a conforming use; that any windows opening upon such portion of the plot in the rear northerly wall, shall be fireproofed self-closing; that illumination shall be by electric lamps placed on pipe standards, not over 9 ft. in height or on the front of the accessory building, equipped with metal reflectors so placed as to reflect downwardly to avoid nuisance at night; that the architectural design of the accessory building shall be substantially in accord with the plans filed with this application; that the front of the greasing section shall remain open or if doors are provided, mechanical ventilation shall be furnished at all times by means of electrically operated, vaporproof fans exhausting by duct through the roof; that all permits not already obtained shall be obtained within six (6) months from the date of this amended resolution and all work required under the terms of this amended resolution shall be completed within one (1) year from the date of this amended resolution."

MINUTES

99-33-BZ

APPLICANT—Seelig and Finkelstein, for New York Rapid Transit Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent of buildings) previously granted on condition, under section 21 of the building zone resolution, permitting in a business use district, the use and occupancy of a vacant plot of ground as an open air parking space for more than five motor vehicles for a temporary period.

PREMISES AFFECTED—3068-3074 Ocean parkway, west side, 283 ft. 7 in. north of Sea Breeze avenue (Block 7282, part of Lots 57 and 60), Borough of Brooklyn.

APPEARANCES—

For Applicant: Harry Finkelstein.

For Administration: Fred Dahlem, Dep't of Housing and Buildings and Harold Klorfein, Dep't of Parks.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (99-33-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in a business use district, the use and occupancy of a vacant plot of ground as an open-air parking space for more than five motor vehicles, affecting premises 3068-3074 Ocean parkway, west side, 283 ft. 7 in. north of Sea Breeze avenue (Block 7282, part of Lots 57 and 60), Borough of Brooklyn, was granted by the Board on July 11, 1933, on certain conditions, resolution amended on June 11, 1935 and October 18, 1938 and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 11, 1933 as amended through October 18, 1938, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

“that in view of the renewal of the lease on a month to month basis and in view of the statement by the applicant that all requirements of the resolution adopted by the Board on July 11, 1933 have been complied with, except that the metal building referred to has an area of 64 sq. ft. instead of 50 sq. ft., the term of this variance is hereby extended under section 7h for a term of two (2) years from the date of this *amended* resolution.”

43-34-BZ

APPLICANT—Gray and Tomlin, for Francesca Frasca, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a business use district for a term of five years, the maintenance of a gasoline service station.

PREMISES AFFECTED—6522-6524 13th avenue, northwest corner of 66th street (Block 5753, Lot 46), Borough of Brooklyn.

APPEARANCES—

For Applicant: J. H. Kearney, Dominick Frasca and Joseph B. Lynch.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened, resolution amended and permit extended.

THE VOTE TO REOPEN, AMEND RESOLUTION AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (43-34-BZ)

WHEREAS, this application under section 21 of the zoning resolution permitting in a business use district for a term of five years, the maintenance of a gasoline service station, affecting premises 6522-6524 13th avenue, northwest corner of 66th street (Block 5753, Lot 46), Borough of Brooklyn, was granted by the Board on July 9, 1935, on certain conditions, resolution amended on July 20, 1938 and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted by the Board July 9, 1935, as amended July 20, 1938, so that as amended, the resolution shall read:

“granted under section 7-f for a term of five (5) years from the date of this *amended* resolution, to permit the portion of the premises under appeal consisting of an area with a frontage of 20 feet on 13th avenue and 43 feet on 66th street, to be occupied as a gasoline selling station, *on condition* that such entire area, except where existing grease pits are located, shall either be cement paved or surfaced with steam cinders, and properly bound; that the curb cuts on 13th avenue and 66th street shall not be increased and shall not extend beyond the building line of 13th avenue or 66th street, as extended; that there shall be not more than two (2) gasoline pumps on the premises, located where indicated, near the corner formed by the intersection of 66th street and 13th avenue; that not more than a total of two 550-gallon tanks for the storage of gasoline shall be installed or maintained; that there shall be erected on the street building line, a reinforced concrete curb not less than one foot in height and one foot in width, extending from the corner formed by the intersection of 13th avenue and 66th street, for a distance of not less than 5 feet northerly and westerly from such intersection, for the purpose of preventing automobiles from crossing the corner of the premises between the gasoline pumps and the intersection; that all advertising signs shall be restricted to the illuminated globes of the pumps; that no signs, temporary or otherwise, shall be erected on the premises, except there may be erected a post standard within the building line, near the intersection, for supporting a sign which may be illuminated, advertising only the brand of gasoline on sale, provided such sign does not extend beyond the building line for a distance of more than four (4) feet; that no portable gasoline pumps shall be used on or from the premises; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that all permits required shall be obtained and all work completed within six (6) months from the date of this *amended* resolution.”

79-35-BZ

APPLICANT—Stein and Wiener, for Patrick Filomino, for Filomino Building Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the commissioner of buildings) previously granted on condition, under section 21 of the building zone resolution, permitting in a business use district, the change of occupancy of part of an existing building to a motor vehicle repair shop for a temporary period.

PREMISES AFFECTED—3223 Laconia avenue, west side, 81.41 ft. north of Boston road (Block 4613, Lot 54), Borough of The Bronx.

MINUTES

APPEARANCES—

For Applicant: Hyman Weiner.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (79-35-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in a business use district, the change of occupancy of part of an existing building to a motor vehicle repair shop for a term of two years, affecting premises 3223 Laconia avenue, west side, 81.41 ft. north of Boston road (Block 4613, Lot 54), Borough of The Bronx, was granted by the Board on July 16, 1935, on certain conditions, permit extended on July 7, 1937, October 17, 1939 and October 15, 1941 and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 16, 1935, as amended through October 15, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7i for a term of two (2) years from the date of this *amended* resolution."

737-39-BZ

APPLICANT—Hein-Nolan Realty Co., Incorporated, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the acting borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—91-125 Bayard street and 441-463 Manhattan avenue, northwest corner (Block 2718, Lot 14), Borough of Brooklyn.

APPEARANCES—

For Applicant: Frank Nolan.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (737-39-BZ)

WHEREAS, this application, under section 7h of the zoning resolution, permitting in a business use district, for a temporary period of two years, the parking and storage of more than five motor vehicles, affecting premises 91-125 Bayard street and 441-463 Manhattan avenue, northwest corner (Block 2718, Lot 14), Borough of Brooklyn, was granted by the Board November 8, 1939, on certain conditions, permit extended on March 10, 1942 and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of November 8, 1939, as amended through March 10, 1942, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h to permit that portion of the premises at the corner of Bayard street and Manhattan avenue, as indicated on revised plans filed marked "Received November 6, 1939" to be occupied for the

parking and storage of more than (5) motor vehicles for a term of two (2) years from the date of this *amended* resolution, on condition. . . ."

1131-40-BZ

APPLICANT—Emil H. Schwab, Jr., for Emil Schwab, Sr., Emma Schwab and Paul H. Schwab, Jr., owners.

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the acting borough superintendent of buildings) under section 7b of the zoning resolution, permitting partly in a residence use district and partly in a business use district, the maintenance of a business use (stores) on the first story of an existing multiple dwelling.

PREMISES AFFECTED—2485 Creston avenue, west side, 56 ft. north of East Fordham road (Block 3174, Lot 30), Borough of The Bronx.

APPEARANCES—

For Applicant: Emil Schwab.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioner

Blum and Deputy Chief Gunn..... 3

Negative 0

Absent: Commissioner Savage..... 1

THE RESOLUTION (1131-40-BZ)

WHEREAS, this application section 7b of the zoning resolution, permitting partly in a residence use district and partly in a business use district, the maintenance of a business use (stores) on the first story of an existing multiple dwelling, affecting premises 2485 Creston avenue, west side, 56 ft. north of East Fordham road (Block 3174, Lot 30), Borough of The Bronx, was granted by the Board on January 21, 1941, on certain conditions and the applicant requested an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of January 21, 1941, only in so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"in view of the statement by the applicant that all permits required have been obtained and all work has been completed except the obtaining of a Certificate of Occupancy, that all such permits shall be obtained and all work done within three (3) months from the date of this *amended* resolution."

1205-40-BZ

APPLICANT—Herman Rosenblatt, for Geno Arditi, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete—re Application (decision of the borough superintendent) previously granted under section 7c of the zoning resolution, permitting partly in a residence use district and partly in an unrestricted use district, the erection of an additional story upon an existing building (garage).

PREMISES AFFECTED—421-427 East 93rd street, northside, 133 ft. 45/8 in. west of East River drive (Block 1573, Lot 14), Borough of Manhattan.

APPEARANCES—

For Applicant: Robert Fields and Herman Rosenblatt.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

MINUTES

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (1205-40-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting partly in a residence use district and partly in an unrestricted use district, the erection of an additional story upon an existing building (garage), affecting premises 421-427 East 93rd street, northside, 133 ft. 4 5/8 in. west of East River drive (Block 1573, Lot 14), Borough of Manhattan, was granted by the Board on April 22, 1941, on certain conditions, time extended on September 9, 1942 and the applicant requested a further extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of April 22, 1941, as amended on September 9, 1942, only in so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that all permits required shall be obtained and all work completed within one (1) year from the date of this amended resolution."

APPEALS FROM ADMINISTRATIVE DECISIONS

184-43-A

APPLICANT—James A. Boyle, for Louis L. Ahlers, owner (Celtic Circle, Inc., Sheepshead Bay Unit No. 1, lessee).

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1232-1254 Avenue Z and 2602-2644 East 13th street, southwest corner and 2601-2649 Homecrest avenue (Block 7457, Lots 1 and 15), Borough of Brooklyn.

APPEARANCES—

For Applicant: Edward A. Tamm and P. Siciliano.
For Opposition: Mrs. B. Stone, Clara Renner, Gertrude Moses, Frank Soldo, John Sundell, Gustave Thill and Harold Klorfein, Dep't of Parks.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (184-43-A)

WHEREAS, James A. Boyle for Louis L. Ahlers and Mary Fromer, owners (Celtic Circle Inc., Sheepshead Bay Unit No. 1, lessee), filed April 20, 1943, an appeal from a decision of the borough superintendent, affecting premises 1232-1254 Avenue Z, south side, between East 13th street and Homecrest avenue, 2602-2644 East 13th street and 2601-2649 Homecrest avenue (Block 7457, Lots 1 and 15), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent dated June 18, 1943 on B. N. Applic. 990-42 reads:

"2. A frame structure for public use is contrary to the Building Code Sec. 4.1.2 and 4.1.3."

and

WHEREAS, the applicant states that the premises consist of a plot 200 ft. by 364 ft. and 411 ft. in area, located in a business and residence, use D area district, upon which there exists a grandstand 8 ft. high, 9 ft. by 343 ft. and 9 ft. by 102 ft. in area, of class 4 construction and that the premises

are used as an athletic field and grandstands with an occupancy of 785 persons; and

WHEREAS, the applicant contends that the lessee, Celtic Circle Inc., has no lease on the property and if at any time the property is sold they would have to vacate and remove the seats; that the seats consist of six tiers and the height of the top seat above the ground is 7 ft. and there is no roof over the seats; that for this reason, it is requested that the Board grant a variance, so as to permit the frame construction to remain.

Resolved, that the decision of the borough superintendent, acting on Bldg. Notice 990-42, Objection 2, be and it hereby is modified and that the appeal be and it hereby is granted for a term of two years from the date of this action, on condition that the existing wood grand-stand and office shall not be increased in height or area and shall be kept in good repair satisfactory to the borough superintendent; that the space under the grand-stand shall at all times be kept clean and free from paper and all other rubbish; that in all other respects, the conditions as imposed by the Board under resolution adopted this day under Cal. 82-43-BZ, shall be complied with.

463-43-A

APPLICANT—Harry M. Prince, for Mayflower Auto Service Corp., owner (Dickens Citrus Products, Inc., lessee).

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—329-333 East 22nd street, north side, 175 ft. west of First avenue (Block 928, Lot 17), Borough of Manhattan.

APPEARANCES—

For Applicant: Harry M. Prince, George Wise and L. Braverman.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (463-43-A)

WHEREAS, Harry M. Prince, for Mayflower Auto Service Corporation, owner, (Dickens Citrus Products, Inc., lessee), filed on September 27, 1943, an appeal from a decision of the borough superintendent, affecting premises 329-333 East 22nd street, north side, 175 ft. west of First avenue (Block 928, Lot 17), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent dated September 15, 1943, on Alt. Applic. 834-43, reads:

"1. Rear stairway should be enclosed on all sides in partitions having 3 hour fire resistive rating—section 270 Labor Law.

2. All stairways should extend to roof—section 270 Labor Law.

10. Application is denied for permission to reuse the building after the presently proposed ten-year occupancy as a public garage, regardless of any change in the use district designation."

and

WHEREAS, the applicant states that the building is four stories (51 ft. 8 in.) in height, 75 ft. by 88 ft. 9 in. in area; of Class 1 construction; erected 1928; located in an unrestricted use district and used and occupied as a garage for more than five motor vehicles pursuant to Certificate of Occupancy 15100, issued April 1, 1929, and proposed to be used and occupied as follows: Cellar, boiler room; first floor, non-storage public garage and food factory, 75 persons; 2nd floor, public garage and food factory, 25 persons; 3rd floor, garage, storage and shipping, 10 persons; 4th floor, garage, storage and repairs, 10 persons; and

MINUTES

WHEREAS, the applicant contends that the building is arranged and designed for use as a garage for more than five motor vehicles, and has been occupied for such use pursuant to Certificate of Occupancy 15100, issued April 1st, 1929; that due to emergency conditions resulting from the curtailment of the use of motor vehicles and the sale of gasoline, and the resultant loss in revenue from the operation of the building as a garage, it has become necessary to lease the building for use on a temporary basis to prevent the complete foreclosure and loss of the building by the owner; that application has been made to the borough superintendent for an amended certificate of occupancy for a garage for more than five motor vehicles, containing an endorsement thereon permitting the use of the building throughout for a temporary period of ten years as a garage and food factory; that the owner is reluctant to lease the building for the proposed temporary factory use unless such a certificate of occupancy is issued as requested, in order to preserve the legality of the garage use throughout against any zone change which might take place during such temporary period and thus prejudice his right to use the entire building as a public garage after the emergency; that there has already been printed in the public papers, statements that a change to a more restrictive use may be urged for this area, due to the contemplated post war adjacent development of both private and public housing projects; that the lessee is in the food manufacturing business furnishing and supplying food products to our military defense plants; that there is a scarcity in the city of available space that is as adaptable for the purpose as that in this building; that the lessee proposes to spend from \$35,000 to \$50,000 in equipment and alteration to the building, which would not be justified for a temporary period of less than ten years; that because of this large expenditure, and the temporary use, it is requested that objections 1 and 2 be waived; that the existing use of this building and the proposed temporary use are both in the same category under zoning, in that both uses are permitted in unrestricted use districts and prohibited in business use districts; that by reason of its arrangement and design, the building can be operated economically only as a garage; that the temporary use, in addition to aiding the war effort, is only an expedient to carry the building financially during the emergency period, and for a sufficient period thereafter to allow the lessee to amortize and justify his investment; that if the building cannot be operated throughout on all floors after the temporary emergency period, for its designed use, the owner's investment of more than \$200,000 will be lost, and the building abandoned; that this may result in an eyesore to the neighborhood far in excess of that of a modern garage; that the loss in taxes to the city in such an event is also evident; that the character of the neighborhood is such that in its normal operation the garage space provided by the building in question is necessary as an economic adjunct to the existing commercial and industrial uses; that it is a well established principle of zoning that allied uses should be provided for in neighborhoods where industries have already been established; and

WHEREAS, the applicant contends as to objections 1 and 2, that there will be but little increase in the day time occupancy during the temporary use of the building, and not more than one or two people in the building at night, acting as watchmen; that the rear fire stairs are located directly on the lot lines and could not possibly be enclosed without encroaching on the adjoining property to the north and east; that the rear stairs empty at the 1st floor into a fireproof passage leading directly to the street; that the front stairs have a fireproof bulkhead to the roof, which is almost level with the roofs of adjoining buildings to the east, west and northwest; that the main interior stairs are more than sufficient capacity to accommodate the proposed temporary occupancy.

Resolved, that the decision of the borough superintendent acting on Alt. Applic. 834-43, Objections 1, 2 and 10, be and it hereby is *modified* and that the appeal be and it hereby is *granted* to permit, under the existing Certificate of Occupancy for a garage, the temporary occupancy of the

building as proposed for a term of ten years from December 1, 1943, *on condition* that during such ten years, the building shall be occupied for factory use as proposed and as a non-storage garage; that the exits consisting of an interior enclosed stairway and exterior steel stairway, shall be maintained with a bulkhead to the roof from the interior stairway and a gooseneck ladder to the roof from the exterior stairway; that the occupancy per floor shall not exceed that permitted by the primary means of exit; that during such term, the building shall not be occupied for the storage of motor vehicles at night; that such motor vehicles as enter the floors shall be restricted to spaces separated from the balance of the floor by partitions of fireproof material; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct.

Adjourned: 12:25 P. M.

JOSEPH J. DOYLE, Chief Clerk.

REGULAR MEETING

TUESDAY AFTERNOON, OCTOBER 5, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

APPEALS FROM ADMINISTRATIVE DECISIONS.

148-42-A

APPLICANT—Alfred H. Eccles, for Gotham Ink and Color Company, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—5-19 47th avenue (8th street) north side, 174.93 ft. east of East 5th street (West avenue); (Block 28, Lot 17), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Alfred H. Eccles and Samuel Kantor.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Laid over to October 19, 1943 at 2 P. M. for further consideration by the Board. Applicant to submit revised plans.

364-43-A

APPLICANT—Julius Bleich, for Congregation of House of Levi, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 16, 1943 at 2 P. M. for an inspection by a Committee of the Board.

382-43-A

APPLICANT—Edmund L. Palmieri, Executor of Estate of John Palmieri, deceased, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—150 Ocean parkway, west side, 395 ft. south of Caton avenue (Block 5328, Lot 30), Borough of Brooklyn.

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APPEARANCES—

For Applicant: Frank A. Barrera, A. A. Lama and Adria Palmieri.

For Opposition: Harry Levine, Max Mamet and Larry London.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to October 13, 1943 at 2 P. M. for further consideration by the Board. Applicant to submit plans.

369-43-A

APPLICANT—Edwin W. Kleinert, for William Lind, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1764-1768 and 1770 Circumferential parkway, northwest corner of Bay 37th street (Block 6942, Lots 17 and 92), Borough of Brooklyn.

APPEARANCES—

For Applicant: Edwin W. Kleinert.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn on request of applicant. Applicant to file a building zone case.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

910-39-A

APPLICANT—George D. McManus, Pres., McManus Laboratories, Inc., lessee for All Purpose Gold Corp., owner.

SUBJECT—Appeal reopened July 13, 1943—re appeal from an order and a decision of the fire commissioner—amendment of resolution previously granted on condition.

PREMISES AFFECTED—107-111 Myrtle avenue, north side, 21 ft. west of Bridge street (Block 143, Lot 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: Victor Arno.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (910-39-A)

WHEREAS, this appeal from an order and a decision of the fire commissioner, affecting premises 107-111 Myrtle avenue, north side, 21 ft. west of Bridge street (Block 143, Lot 30), Borough of Brooklyn, was granted by the Board on July 18, 1939, on certain conditions and the applicant requested an amendment of the resolution; and

WHEREAS, this appeal was reopened by vote of the Board on July 13, 1943, subject to usual procedure; and

WHEREAS, the order of the fire commissioner, No. 79399-LC, dated April 18, 1939, reads:

"1. Discontinue the storage and sale of 'Rilling Hair Curling Compound' and 'Machineless Waving Powder' and 'Koolerets' for the reason that it is the opinion of this department that said materials are too hazardous to be stored and sold in the City of New York. C-19-11.0, Administrative Code.

2. Provide 6 metal water pails of at least 10 quarts capacity, for each 2500 square feet of area, on 1st story and in cellar. Pails to be painted red and marked FIRE with letters not less than two and one half inches in height. Pails to be kept full of clean sand

or water, same not to be used for any other purpose. Placed on permanent shelves, hooks or racks, same to be not less than two feet nor more than four and one half feet above the floor. C-19-10.0, Administrative Code."

and

WHEREAS, said order was referred to in a decision of the fire commissioner, dated June 9, 1939; and

WHEREAS, the building is five stories (65 ft.) in height, 60 ft. by 100 ft. in area, of non-fireproof construction, located in a business use district, erected about 1890, and occupied: 1st floor—beauty shop supplies—10 persons; 2nd floor—paper box company—2 to 6 persons; 3rd floor—gold leaf manufacturing—10 persons; 4th floor—gold leaf manufacturing—24 persons; 5th floor—manufacture of hot dye stamping material—6 persons; and

WHEREAS, the applicant contends that "Rilling Kooler-wave Solution" is a water solution of various salts, consisting of 95% water and none of the dissolved salts are inflammable; that it can actually be used as a fire-extinguisher; that no "machineless waving powder" is stored on the premises; that the "Rilling Koolerettes" stored on the premises consist of paper rolled cigarette shaped pellets, packed in sealed air-tight and water-tight cans; that these pellets are non-inflammable; that an adequate number of fire pails has been provided.

Resolved, that the order of the fire commissioner, No. 79399-LC, be and it hereby is modified, and that the appeal be and it hereby is granted, as to Item No. 1, on condition that no manufacture of the product shall be conducted on the premises; that the storage of the product shall not exceed 1,000 hermetically sealed cans containing approximately 2 lbs. of material in each can; that no can shall be opened or its contents used on the premises; that in all other respects the requirements of the fire commissioner's order shall be complied with.

Resolved further, that in the event the owner desires to store on the premises a total of 300 cartons, each carton to hold 10 containers, such increased quantity may be permitted and the containers may be of fiber, provided no containers are opened on the premises and the containers are maintained in the original cartons, and such cartons are stored in a dry place and on steel shelving adequately protected from the possibility of being wetted by water from the sprinkler system.

658-42-A

APPLICANT—Commercial Control and Device Corporation (lessee), for 117 Realty Corporation, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—45 Roebling street, southeast corner of North 9th street (Block 2314, Lot 5), Borough of Brooklyn.

APPEARANCES—

For Applicant: Jerome Valetsky.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (658-42-A)

WHEREAS, Commercial Control and Device Corporation, (lessee), for 117 Realty Corporation, owner, filed September 4, 1942, an appeal from an order and decision of the fire commissioner, affecting premises 45 Roebling street, southeast corner of North 9th street (Block 2314, Lot 5), Borough of Brooklyn; and

WHEREAS, order 90528-A issued by the fire commissioner February 16, 1942 and repeated in a decision of the fire commissioner dated August 6, 1942, reads:

"You are hereby notified that an inspection of the above premises, used to store thinners, enamel, etc.

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shows that the following must be done before the permit requested by you can be issued:

1. Provide an approved system for the storage of Savasol No. 1. Plans and specification to be filed with and approved by the Department of Housing and Buildings, before the tank is installed. Tank to be tested and installation supervised by a representative of the Division of Combustibles, Fire Department. C19-11, Administrative Code.

5. Provide a drain to an approved tank outside of building for open dip or immersing tanks holding more than 60 gallons of flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used in connection therewith. Rule 4.1.1, Spray Rules.

8. Provide a separate exterior storage building of fireproof or fire-resisting material with ventilated plain glass skylight or a storage room constructed fireproof in a fireproof building or fire-resisting in a non-fireproof building for the storage of spray material in excess of 100 gallons.

Storage rooms shall have a window opening to the outer air but such window shall not be on a lot line, enclosed court nor opposite within 20 ft. of windows of adjacent buildings; nor part of the same premises, such window openings to be fire-proofed and lower half provided with open louvres or ventilated by a metal duct or fan at least 8 in. in diameter. The floors of all storage rooms shall be waterproof up to a height of at least 6 in. from the floor and be properly pitched for drainage purposes to a low point within enclosure. Any drain in such storage room shall not be connected to the house drainage system or street sewer. The sill of the door shall be at least 6 in. above the finished floor. All doors to be tin-clad approved fireproof and self-closing. Rule 6.1.3, Spray Rules."

and

WHEREAS, the decision of the fire commissioner dated March 1, 1943, reads:

"With reference to item 8 of order 90528-A which reads:

'8. Provide a separate exterior storage building of fireproof or fire-resisting material with ventilated plain glass skylight or a storage room constructed fireproof in a fireproof building or fire-resisting in a non-fireproof building for the storage of spray material in excess of 100 gallons. Storage rooms, etc.'"

I have to advise as follows:

Our inspector reports that there are sixty gallons of spraying material stored on the premises and in addition thereto 60 gallons of dipping material which is held in reserve and 60 gallons of thinner. This is in addition to the 130 gallons that is in the dipping tanks.

While it is true that item 8 refers to spraying material the fact that you have in addition thereto 60 gallons of dipping material and one drum of thinner, this department feels that all of this material should be kept in an exterior storage building of fireproof or fire-resisting material.

While this case is before the Board of Standards and Appeals it may be well if you proceed with the appeal relative to item 8 as more than 100 gallons of both spraying and dipping material is stored on the premises, 45 Roebling street, Brooklyn.

It will be also necessary to comply with item or order 90528-A which reads:

'1. Provide an approved system for the storage of Savasol No. 1. Plans and specifications to be filed with and approved by the Department of Housing and Buildings before the tank is installed. Tank to be tested and installation supervised by a representative of the Division of Combustibles, Fire Department. C19-11, Adm. Code.' as Salvoso No. 2 which is a volatile inflammable liquid is being used. This has a flash-point of 90 F."

and

WHEREAS, the decision of the fire commissioner dated April 5, 1943, reads:

"In answer to your letter of March 3, 1943 relative to the premises, 45 Roebling street, Brooklyn, occupied by the Commercial Control & Device Corporation, I have to advise as follows:

Item 1, 5 and 8 of order 90528-A are still pending. These items read as follows:

'1. Provide an approved system, etc.

5. Provide a drain to an approved tank located, etc.

8. Provide a separate exterior storage building, etc.'

It would be advisable for you to have these three items considered by the Board of Standards and Appeals on your appeal before that Board."

and

WHEREAS, the applicant states that the building is four stories in height, 100 ft. by 85 ft. in area, of Class 3 construction, located in an unrestricted use district and used and occupied: 1st floor, manufacturing electrical equipment, 1 person; 2nd floor, office and manufacture of electrical equipment, 1 person; 3rd floor, office and manufacture of electrical equipment, 1 person; 4th floor, manufacturing clothing, 1 person; that Certificate of Occupancy 57439 issued August 20, 1929, permits the use of the building throughout as a factory, 75 persons per floor; and

WHEREAS, the applicant contends as to item 1, that since the issuance of order 90528-A, the applicant has changed the vehicle used from Salvosol No. 1 having a flashpoint of 100 deg. to T.S. 28 which has a flashpoint of 115 deg. and the vehicle now used is not dangerous and thus the facilities required by the fire commission for storage should not be required; and

WHEREAS, the applicant contends as to item 5, that the immersing tank is located on the 2nd floor of the building proper and from the construction of the building, there would be no place to put an outside tank without danger to other property owners; that the mixture used in the tank is a heavy enamel of a thickness which would not drain out into an outside tank by gravity; that the present use without an outside tank has continued for nine years; and

WHEREAS, the applicant contends as to item 8, that no supplies of spraying materials are stored on the premises in excess of 30 gallons; that at no time is the supply of enamel and thinner in excess of 60 gallons; that together the materials for spraying, enamels and thinners, the applicant never has in storage more than 85 to 90 gallons and it is therefore requested that the Board permit the issuance of a permit to store spraying materials, enamels and thinners not in excess of 100 gallons.

Resolved, that the order of the fire commissioner, acting on Order 90528-A, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that all spraying and dipping materials other than such as is actually in the dipping on the second floor and which shall not exceed 80 gallons, shall be maintained within a room on the first floor separated from the balance of the premises by walls or partitions of fireproof materials and with a fireproof self-closing door thereon; that there shall be a concrete sill not less than 6 in. in height at the door to such room; that the quantities in such room shall not exceed 150 gallons; that lights and switches shall be of the vaporproof type; that fixed ventilation for such room shall be provided by means of an open louver in a window; that the dipping tank on the second floor shall be provided with a steel cover which shall be placed over the dipping tank when same is not in use, and in addition, fire extinguishers of the foam type, arranged to be hinged above the tank and connected with a fusible link, shall be installed and maintained, so that in the event of fire, such extinguisher shall operate automatically; that such other portable fire extinguishers as the fire commissioner shall require shall be maintained; that the floor drain may be omitted, provided the requirements of this resolution are complied with, and the housekeeping conditions are maintained to the satisfaction of the fire commissioner.

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255-43-A

APPLICANT—Frank C. Keller, for Manufacturers Trust Co., owner (Evelyn Hyland, lessee).

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—28-53 216th street, north side, 477.32 ft. east of 28th avenue (Block 6019, Lot 1), Bayside, Borough of Queens. (Under section 35, General City Law re bed of mapped street (29th avenue)).

APPEARANCES—

For Applicant: Frank C. Keller and Evelyn Hyland.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (255-43-A)

WHEREAS, Frank C. Keller, for Manufacturers Trust Co., owner (Evelyn Hyland, lessee), filed May 27, 1943, an appeal from a decision of the borough superintendent and an application pursuant to section 35 of the General City Law, affecting premises 28-53 216th street, north side, 477.32 ft. east of 28th avenue (Block 6019, Lot 1), Bayside, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated May 17, 1943 on Alt. Applic. 645-43 reads:

"1. Building located in bed of a mapped street contrary to Sec. 35, Art. 3, General City Law.

2. The change of occupancy of a frame dwelling into a public building exceeding the area and height permitted for a class 4 building is contrary to sec. 4.2.1. A. B. Code.

3. The change of occupancy of a frame building located outside of the fire limits into a public building is contrary to Sec. 4.1.3 A. B. Code."

and

WHEREAS, the applicant states that the building is 2½ stories (29 ft.) average in height, 116 ft. by 45 ft. irregular in area, of class 4 construction, erected in 1929 on a plot 195 ft. by 577 ft. irregular in area, located in a residence use, F area district and used as a one family dwelling, proposed to be used: cellar—boiler room, recreation room and two car garage; 1st floor—sanitarium, proprietary nursing home and convalescent home for aged or chronic patients—20 persons on the 1st, 20 persons on the 2nd floor and attic to be used for storage; and

WHEREAS, the applicant contends that the building was erected in 1929 as a one family dwelling and due to general real estate conditions today, it is impossible to run same for a one family dwelling and therefore it is proposed to occupy the building as a sanitarium; that the building is frame, with exterior walls of brick veneer; all interior walls, partitions and cellar ceiling are fire-retarded with wire lath and plaster and the boiler room is fully enclosed; that there are two interior stairs leading from second floor directly to the outer air; that the building is on a large plot and is a great distance from any lot lines; that due to the character of the building and its remoteness from lot lines, it is felt that full protection can be afforded to any occupant therein; that when the building was erected in 1929, there was no restriction against erecting a building in the bed of a street; and

WHEREAS, the applicant has filed a communication dated July 1, 1943 from the Topographical Bureau of the Office of the President of the Borough of Queens, stating that 29th avenue from 216th street to Little Neck boulevard and Little Neck boulevard from 28th to 29th avenues have not yet been acquired by the City either by deed or condemna-

tion and that the Corporation Counsel has not rendered any opinion as to their dedication.

Resolved, that the decision of the borough superintendent on Alt. Applic. 645-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted* under the authority granted the Board under Section 35 of the General City Law, so as to permit the continuation of the building within the bed of the mapped street for occupancy as proposed, for a term of two (2) years from the date of this resolution, *on condition* that the building shall not be increased in height or area; as to Objection 2, that the building shall not be increased in height or area and shall be occupied only as proposed and subject to an approval of use being obtained from the Department of Hospitals; as to Objection 3, *on condition* that the building comply with the requirements of this resolution; that a certificate of occupancy shall be obtained in compliance therewith; that the occupancy shall not exceed that permitted by the Department of Hospitals or in any event beyond the number as proposed; that such portable fire fighting appliances shall be maintained as the fire commissioner shall direct; that the garage shall be occupied only for storage of cars belonging to persons operating the convalescent home; that such garage shall be separated from the balance of the building by a wall or partitions of approved masonry on the first story and with fire restarted ceiling and any doorway from the house to the garage shall be equipped with a fireproof self-closing door or any such opening bricked up with approved masonry.

385-43-A

APPLICANT—Nick De Martini, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—150-01 Union turnpike, northeast corner of 150th street (Block 6712, Lots 16 and 17), Flushing, Borough of Queens (Under section 35, General City Law re bed of mapped street—150th street).

APPEARANCES—

For Applicant: Nick De Martini and Albert Dupont.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (385-43-A)

WHEREAS, Nick De Martini, owner, filed July 29, 1943 an application pursuant to section 35 of the General City Law, for permission to erect a structure (chicken run) in the bed of a mapped street (150th street) affecting premises 150-01 Union turnpike, northeast corner of 150th street (Block 6712, Lots 16 and 17), Flushing, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated July 13, 1943, on Misc. Application 1813-43 reads:

"2. The creation of a chicken run in the bed of a mapped street, is contrary to Art. 3, Sec. 35, General City Law."

and

WHEREAS, the applicant states that the premises consist of a lot fronting 100 ft. on Union turnpike with a depth of 100 ft. therefrom, which is a portion of a plot fronting 235.37 ft. on Union turnpike with a depth of 453.23 ft. and 84.30 ft. irregular therefrom, located in a business and residence use district, upon which there exists a one story class 4 chicken house, 7 ft. in height, 30 ft. by 90 ft. in area, located entirely within the business portion; and

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WHEREAS, it is proposed to erect a 5 ft. high fence consisting of chicken wire on wood frame enclosing an area 100 ft. by 100 ft. in area, comprising a frontage of 50.42 ft. east of the line of 150th street as proposed and including approximately a 50 ft. frontage within the bed of 150th street as proposed and as indicated on drawing filed by the applicant with this appeal marked "Received August 5, 1943"; and

WHEREAS, the applicant contends that the proposed chicken wire fence enclosure will be used for a chicken run in connection with the use permitted by the Board under Calendar 165-43-A; that 150th street was placed on the city map many years ago and no steps have been taken by the city toward acquisition; that the chicken house was granted by the Board for a term of three years from April 27, 1943; that the proposed chicken run is necessary for the practical operation of such chicken house and that the city's interests in 150th street as proposed, will not be affected by the granting of temporary permission to erect a fence and use a portion of the owner's plot within the business district and within the bed of 150th street to exercise the chickens; that no claim will be made against the city for damages resulting from the acquisition of 150th street, if such acquisition takes place within the temporary period of the proposed use.

Resolved, that the decision of the borough superintendent acting on Misc. Applic. 1813-43, be and it hereby is *modified* and that the appeal be and it hereby is *granted* under the authority granted the Board under Section 35 of the General City Law, to permit the chicken run or enclosure as proposed to be used in conjunction with the building as permitted by the Board under Cal. 165-43-A, *on condition* that in the event the premises are acquired by the City of New York for street purposes, that such enclosure or run will be removed by the owner at his expense and no claim made for the cost or removal of same; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

418-43-A

APPLICANT—Arthur Jovis, for Beard's Erie Basin, Inc., owner (Chelsea Discount Corporation, lessee).

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—26 Beard street, north side, 207 ft. east of Dwight street (Block 606, part of Lot 5), Borough of Brooklyn.

APPEARANCES—

For Applicant: Arthur Jovis.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (418-43-A)

WHEREAS, Arthur Jovis, for Beard's Erie Basin, Inc., owner (Chelsea Discount Corporation, lessee), filed August 2, 1943, an appeal from a decision of the borough superintendent, affecting premises 26 Beard street, north side, 207 ft. east of Dwight street (Block 606, part of Lot 5), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent, dated July 8, 1943, on N. B. Applic. 12-43, reads:

"1. Frame bldg. within fire limits is contrary to 4.1.2 of the Code.

2. Frame bldg. for commercial purposes is contrary to 4.2.1 of the Code."

and

WHEREAS, the applicant states that the building is one story (9 ft. 6 in.) in height, 30 ft. by 25 ft. in area, of class 4 construction, erected in 1943, located on a lot 451 ft. 1¼ in. by 200 ft. irregular in area in an unrestricted use district and used as a check cashing office with an occupancy of 20 persons; and

WHEREAS, violation 3119-43 was issued April 28, 1943, for erecting a structure not in accordance with approved plans; and

WHEREAS, the lessee was convicted and fined in Magistrates Court July 15, 1943 on a charge of violation of the Administrative Code; and

WHEREAS, the applicant contends that the owner of the building entered into a contract under the terms of which the contractor was to dismantle a metal frame building standing in Islip, L. I. and re-erect it at the new location and was to furnish a Certificate of Occupancy; that when these plans were disapproved by the borough superintendent they were amended to provide for the erection of a concrete block structure; that the contractor, however, proceeded with the erection of the frame building; that the owner paid the contractor in good faith in the belief that the contract was being carried out; that the building was erected for temporary use during the present emergency and is used only one day a week and then only for a few hours of that day; that its intended use is as an office for a check cashing service for the employees of the Todd Shipyards, located across the street from the site; that the need for this service will end with the present emergency; that the owner's intent is to abandon and dismantle the building when the present need no longer exists, or to conform with the requirements for a class 3 structure; that the building falls into the definition of a temporary structure as defined in Sec. 8.7.2.8 of the Building Code.

Resolved, that the decision of the borough superintendent, acting on N. B. Applic. 12-43, Objections 1 and 2, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall not be increased in height or area and shall be constructed substantially as indicated on plans filed with this appeal marked "Received August 2, 1943" and shall be occupied only as proposed and upon the termination of the present emergency and within six months thereafter, the building shall be completely removed; that such portable fire fighting appliances shall be maintained within the building as the fire commissioner shall request; that at all times while the building is being occupied, a guard shall be posted in front of the building; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, including requirements for ventilation.

128-43-A

APPLICANT—Stanco, Incorporated, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Appeal from a decision of the fire commissioner re packaging of combustible mixture known as "Flit" in one-gallon glass bottles (capacity of bottles not in conformity with Administrative Code Specifications).

APPEARANCES—

For Applicant: Alexander Lazarus.
ACTION OF BOARD—Appeal reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (128-43-A)

WHEREAS, this appeal from a decision of the fire commissioner, relative to the packaging of the combustible

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mixture known as "Flit" in one-gallon glass bottles, was granted by the Board on March 30, 1943, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted March 30, 1943, only as to the term of the variance, so that as amended, this portion of the resolution shall read:

"... Granted for a term of six (6) months from the date of this *amended* resolution . . ."

165-43-A

APPLICANT—Nick De Martini, for Louisa De Martini, owner.

SUBJECT—Application for consideration—reopening and amendment—re Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—150-01 Union Turnpike, Northeast corner of 150th street (Block 6712, Lots 16 and 17), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Nick De Martini and Albert Dupont.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (165-43-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 150-01 Union turnpike, northeast corner of 150th street (Block 6712, Lots 16 and 17), Flushing, Borough of Queens, was granted by the Board on April 27, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on April 27, 1943, only so far as it has reference to the clause which reads:

"... that such building shall be located entirely within the business zone area and no chicken run shall be constructed and no chickens shall be permitted to run loose on any portion of the premises, but shall be maintained at all times within the proposed building" . . .

so that as amended, this portion of the resolution shall read:

"... that such building shall be located entirely within the business zone or within the chicken run or yard as permitted by the Board under Cal. 385-43-A, and no chickens shall be permitted to run loose on any other portion of the premises other than within the building herein permitted and such run or yard" . . .

MATERIALS SUBMITTED FOR APPROVAL

1020-38-SM

APPLICANT—Universal Atlas Cement Company, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution as to change of manufacturing plant—Hudson Atlas Portland Cement and Northampton Atlas Portland Cement, Atlas White Portland Cement and Atlas Waterproofed White Portland Cement, previously approved.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application reopened and referred to the Committee on Tests for test and report.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

483-39-SM

APPLICANT—United States Gypsum Company, owner.
SUBJECT—Application reopened May 18, 1943—re approved of additional materials, Minit-Mix and Mortaseal.

APPEARANCES—

For Applicant: Robert Heiges.

ACTION OF BOARD—Resolution amended in accordance with report of Committee on Tests.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (483-39-SM)

WHEREAS, United States Gypsum Company, owner, filed April 19, 1939, an application with the Board of Standards and Appeals for approval of the material known as Red Top Ivory Finish Lime, Red Top Grand Prize Finish Lime, Red Top Mason's Hydrated Lime, Red Top General Purpose Hydrated Lime, Red Top Fibred Lime, Samson Mason's Hydrate and Samson Hydrate Finishing Lime; and

WHEREAS, this material was approved by the Board on March 11, 1941, in accordance with the report of the Committee on Tests; and

WHEREAS, the applicant requested an amendment of the resolution, to include the approval of "Minit-Mix and Mortaseal"; and

WHEREAS, this case was reopened by vote of the Board on May 18, 1943 and referred to the Committee on Tests for test and report; and

WHEREAS, the report of the Committee on tests, reads:

REPORT OF COMMITTEE ON TESTS

September 15, 1943.

Cal. 483-39-SM

Subject: Additional Materials Minit-Mix and Mortaseal, approval of.

Under date of March 11, 1941, the Board of Standards and Appeals approved lime materials known as Red Top Ivory Finish Lime, Red Top Grand Prize Finish Lime, Red Top Mason's Hydrated Lime, Red Top Fibred Lime, Samson Mason's Hydrate Lime, Samson Hydrate Finishing Lime. On March 18, 1943, the application was reopened at the request of the applicant to include the approval of two additional materials, for use in plaster and mortar, known as Minit-Mix (pressure hydrate for plastering), and Mortaseal, (pressure hydrate for masonry).

These materials like the others previously approved are mined and processed at the applicant's plant located at Genoa, Ohio. The same method of manufacture and check controls are used as described in the original process except for the addition of a pressure hydration process which it is claimed produces a hydrated lime which is substantially all hydrated so that the calcium and magnesium hydroxide obtained after pressure hydration correspond to the formula $\text{Ca}(\text{OH})_2$, $\text{Mg}(\text{OH})_2$. This material when so made is claimed to meet the requirements of Federal Specification SS-L-351 as amended February 2, 1940. The applicant further contends that these pressure hydrated limes eliminate "pits", "pops" and expansion cracks in plaster and increase plasticity and adhesion when used in mortar.

METHOD OF USE

Minitmix is mixed and used immediately without any overnight pre-soaking. It can be mixed by hand by

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dumping a bag of Minitmix into six gallons of water and hoeing to a smooth consistency, after which it is ready to gauge and apply. It can also be machine mixed using one bag of Minitmix to $5\frac{3}{4}$ gallons of water. The mix should be then dumped on an 8 mesh screen over the box to screen out any lumps. It is then ready to gauge and apply.

Mortaseal, the pressure hydrated masons limes does not require any pre-soaking. It is mixed with the sand, portland cement and water either by hand or by machine. The mortar is then ready for immediate use, and will give adequate plasticity and adhesion.

TESTS

The applicant submitted samples of these two materials to Cornell University under the jurisdiction of Prof. H. H. Scofield and Prof. M. L. Nichols for tests with results as follows:

Chemical Analysis:

Both of these samples were analyzed according to Federal Specifications SS-L-351 and the results calculated according to the proposed amendment. The analysis and calculated results are as follows:

Percentage	Minitmix	Mortaseal
Free or extraneous water.....	0.12	4.30
Volatile matter	26.43	26.25
Carbon dioxide	0.54	0.68
Calcium oxide	45.31	42.78
Magnesium oxide	27.82	29.23
Combined water and carbon dioxide	26.43	26.25
Combined water	25.89	25.57
Calcium oxide combined as calcium carbonate	0.69	9.87
Hydrated calcium oxide.....	44.62	41.91
Hydrated magnesium oxide	25.85	27.08
Free magnesium oxide	1.97	2.15
Calcium and magnesium oxides on non-volatile basis	99.57	98.04
Carbon dioxide on non-volatile basis	0.74	0.93

Both of these hydrated limes fulfill the specifications SS-L-351, E3a, b, and c, that, they shall not contain less than 95 percent calcium and magnesium oxides on a non-volatile basis, they shall not contain more than 5 percent of carbon dioxide on a non-volatile basis, and, the total free calcium and magnesium oxide shall not exceed 8 percent on the as received basis.

Physical Properties:

METHOD OF TESTS AND RESULTS

Fineness. (ASTM, C6-31 and C110-38T; Federal SS-L-351, Type M)

Total retained on No. 30 sieve.....trace
 " " " No. 200 "6.40 percent

Soundness (same specifications)

No cracks, pops or other defects.

Compressive Strength of Mortars (Federal Spec. SS-C-181b)

Proportion, 1:1:6 by weight.

Amount of water 20% by weight of total dry batch.

Flow100

3-day strength.....467 p.s.i., check test 421 p.s.i.

7-day strength.....578 p.s.i., check test 645 p.s.i.

28-day strength*.....(See below)

Autoclave Expansion (ASTM Bul. 94, Oct. 1938)

Proportion 1:1:6 by weight

Amount of water 1.75% by weight of total dry batch.

Flow77

Expansion (5" length)—0.94% Av. of 6 specimens.

" " —0.90% Av. of 8 specimens

(Check test)

Water Retention (SS-C-181b)

Proportion 1:1:6 by weight

	Flow Number	
	Test	Check Test
Flow before suction	102	104
Flow after suction.....	82	87

Water Repellency (SS-C-181b)

	Absorption, %	
	Test	Check Test
At 1 hour	20.03	18.38
At 24 hours	36.39	36.82
Ratio 1 hr. to 24 hrs.....	0.639	0.500

Note: Results are averages of four specimens.

BRAND "MORTASEAL"

*Results of 28-day Tests

Federal Spec. SS-C-181b

28-day strength 839 p.s.i.

Note: Proportion 1:1:6 by weight

Amount of water 20% of dry weight of batch.

Flow.....103.

RECOMMENDATIONS

On the basis of the foregoing data, the Committee on Tests recommends the approval of Minitmix as a plastering material under C26-312.0b, and C26-463.0 including compliance with the New York Plastering Law known as the Law of 1911, and for the use of Mortaseal in mortar proportion under C26-313.0a,b,1, c, d, provided that these materials are made and used as provided herein and further that the requirements as to marking and mill test reports comply with the requirements of the original approval dated March 11, 1941, Bul. #11, Vol. 26.

(Sgd.) BERNARD A. SAVAGE,
 Commissioner,

CHARLES M. BLUM,
 Commissioner,

LESLIE V. HUBER,
 Chief Engineer,
 Committee on tests.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on March 11, 1941, to include additional material in accordance with the Report of the Committee on Tests.

1378-39-SM

APPLICANT—Johns-Manville Sales Corporation, owner.

SUBJECT—Steeltex Floor Lath in Combination with Light Steel Joist Construction, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (1378-39-SM)

WHEREAS, the Johns-Manville Sales Corporation, owner, filed on November 9, 1939, with the Board of Standards and Appeals, an application for the approval of the material known as Steeltex Floor Lath in combination with Light Steel Joist construction; and

WHEREAS, the applicant failed to make any arrangements for a test and inspection of this material, although duly notified to do so.

Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

MINUTES

178-43-SM

APPLICANT—Lead Industries Association.

SUBJECT—Hard Lead Closet Floor Flange, approval of.

APPEARANCES—

For Applicant: Robert Dick.

ACTION OF BOARD—Application dismissed as improperly before the Board.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (178-43-SM)

WHEREAS, the Lead Industries Association filed on April 16, 1943, an application with the Board of Standards and

Appeals, for the approval of the material known as the Lead Industries Association Hard Lead Closet Floor Flange; and

WHEREAS, this application was not filed by the manufacturer or owner, in accordance with the requirements of the Board.

Resolved, that the application be and it hereby is *dismissed* as being improperly before the Board.

Adjourned: 3:55 P. M.

JOSEPH J. DOYLE, Chief Clerk.

SMOKING IN FACTORIES

Adopted by the Board of Standards and Appeals,
August 12, 1918.

Rule 1. Permit.

(a) **Prohibition.** No person shall smoke, or carry a lighted cigar or cigarette in any factory as defined in Article 1, Section 2, of the State Labor Law, nor in any portion of a factory, within the City of New York, except in such protected portions or special classes of occupancies as are specified in Rule 2 of these rules, and then only after the issuance of a permit by the Administrative official.

It shall be the joint and several duty of the owner and of the lessee or lessees of the building containing such factory or factories to cause to be posted in each and every entrance hall, stair hall or room throughout the building, as well as in every elevator-car, in English, and also in such other language or languages as the administrative official shall direct, a notice of such prohibition, and the penalty for its violation.

(b) **Application.** Application for such permit shall be made only by the owner of the building on suitable blank forms to be furnished by the administrative official.

(c) **Time Limit.** Such permit shall be for a definite period, not exceeding one year, and shall not be renewed upon expiration until a reinspection of the premises for which it is issued has been made for the purpose of determining whether existing conditions warrant a renewal.

(d) **Conditions.** The permit shall state the conditions under which, the hours between which, and the place or places in such factory where smoking may be permitted, and this permit shall be framed and kept posted in a conspicuous place in the factory.

(e) **Revocation.** Violation of any of the conditions specified in the permit, in addition to incurring such penalties as are prescribed by law, shall be full and sufficient cause for the revocation of such permit by the administrative official, and shall not again issue a permit for the same premises until at least one year has elapsed.

Rule 2. Permissible Cases.

Smoking may be permitted in:

(a) Factories engaged in the manufacture of cigars, cigarettes, or smoking tobacco, when necessary for the efficient conduct of the business, provided that:

(1) No smoking other than that for sampling, testing and experimental purposes is carried on.

(2) Such smoking is conducted in a room provided especially for that purpose, separated from the rest of the building by fireproof or fire-resisting partitions, with all openings therein protected by selfclosing fire doors, and further, unless the building is of fireproof construction or provided with an approved automatic sprinkler system, the floor and ceiling of such room shall be covered with fire retarding material.

(3) Such chemical fire extinguishers as the administrative official may direct are installed.

(4) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

(b) Factories devoted entirely to one of the following occupancies:

Blacksmithing or horseshoeing;
Boiler making;
Brick, terra cotta or artificial stone works;
Forge shops;
Foundries;
Iron, steel, brass or copper works;
Machine shops;
Smelting;
Stone or monumental works;

provided that in any case:

(1) The building is not of wooden construction;

(2) Such chemical fire extinguishers as the administrative official may direct are installed;

(3) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

FORMS FOR NOTICE TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such

copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

RULES

RULES GOVERNING THE USE OF EQUIPMENT FOR SPRAYING OF PAINTS, VARNISHES, LACQUERS AND OTHER FLAMMABLE SURFACE COATINGS

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS JUNE 10, 1932
AND REVISED, JULY 16, 1937, EFFECTIVE AUGUST 16, 1937.

[353-30-SR]

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, subdivisions 2 and 3 of the Charter of the City of New York, to effectuate the provisions of C19-84.0, C19-85.0 and C19-86.0 of the Administrative Code.

Rule 1. Application.

- 1.1 No person, firm or corporation shall SPRAY, DIP or IMMERSE any article or thing within the City of New York with any flammable paints, varnishes, lacquers or any other inflammable or combustible substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes except in conformance with these rules, and under a permit issued by the Fire Commissioner. Where the quantity of spraying material used in a day does not exceed two (2) quarts, the Fire Commissioner may modify or waive these rules.
- 1.2 APPLICATIONS. Application for the required permit to store and use the above-mentioned articles shall be made to the Fire Commissioner on forms prescribed by him and shall contain such information as he may require. When a spray, dipping, immersing, storage or mixing room is to be installed, plans shall be filed with the Borough Superintendent of Buildings before a permit is issued.
- 1.3 RESTRICTIONS. No spraying, dipping or immersing of any article or thing within the City of New York with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes shall be permitted in any premises or portion thereof as follows:
 - 1.3.1 Which is occupied as a Class A or B Multiple Dwelling or a dwelling for one or two families.
 - 1.3.2 Which is artificially lighted by any means other than electricity.
 - 1.3.3 Which is heated by other than the use of steam or hot water circulating systems.

Rule 2. Definitions.

- 2.1 The term "SPRAY or SPRAYING SPACE," "DIPPING SPACE or IMMERSING SPACE" when used in these rules shall mean that portion of the premises used for the actual work of spraying, dipping or immersing any article or thing with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds, commonly used for painting, varnishing, staining or similar purposes in any booth or room approved.
- 2.2 The term "CABINET BOOTH" when used in these rules shall mean a compartment with a back, top and two sides equipped with air exhaust facilities, located within a room or any portion of any premises where spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.3 The term "CANOPY BOOTH or HOOD" when used in these rules shall mean an installation consisting of a metal canopy or hood, without any side or end panels enclosing the object sprayed and an air exhaust system under which spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.4 The term "TUNNEL BOOTH" when used in these rules shall mean a compartment consisting of two sides and top, equipped with an air exhaust system in which spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.5 The term "SPRAY ROOM" when used in these rules shall mean a fully enclosed room approved for such use in which any article or thing is sprayed by any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.6 The term "DIPPING ROOM" when used in these rules shall mean a fully-enclosed room approved for such use in which any article or thing is dipped, spread or immersed in any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.7 The term "FIREPROOF or FIRE-RESISTING PARTITIONS" used in these rules shall mean the standards set in the Labor Law and the Rules of the Board of Standards and Appeals for factory buildings. All openings in this type of partition shall only be equipped with self-closing fireproof doors.

2.8 The term "STORAGE ROOM" when used in these rules shall mean a fully-enclosed room used for the storage and mixing of any inflammable paints, varnishes, lacquers or any flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes.

2.9 The term "CERTIFICATE OF FITNESS" when used in these rules shall mean the written permission granted by the Fire Commissioner to an individual to supervise and handle spraying, dipping and immersing materials and equipment, in accordance with the provisions of Section C19-14.0 of the Administrative Code and these Rules.

2.10 The term "PERMIT" when used in these rules shall mean the written permission issued to a person, firm or corporation by the Fire Commissioner, to store and use materials covered by Sections C19-12.0 and C19-84.0 of the Administrative Code and these Rules.

Rule 3. Ventilation.

- 3.1 Spraying or dipping spaces shall be ventilated when in operation so that the movement of air shall be at least one hundred (100') linear feet per minute in the breathing zone of the operator and be of sufficient capacity to prevent the accumulation of mist or vapors.

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3.2 Air shall be admitted to the spraying, dipping or immersing spaces in an amount equal to the capacity of the fan or fans and in such a manner as to avoid short-circuiting the path of air in the working zone of such spaces. Exhaust fans shall be kept running constantly while spraying or mixing and for a sufficient length of time thereafter to exhaust all vapors, fumes or residues of spraying materials from the spray booth or spray room.

3.3 EQUIPMENT. Motors shall be located outside of spraying, dipping or immersing spaces except as provided in Rule 4.

Rule 4. Specifications for Spray Booths, Spray Rooms and Dip Rooms.

4.1 Spray booths shall be constructed of metal or incombustible materials satisfactory to the administrative official having jurisdiction, be adequately ventilated with mechanical ventilation; if lighted to be in conformity with these rules. The necessary fire protection shall be maintained at all times.

4.1.1 Spray, dip and immersing rooms shall be constructed of fireproof or fire-resisting partitions with waterproof floors, adequately ventilated by mechanical means, equipped with the necessary fire protection; if lighted and heated to be in conformity with these rules. Floor drains leading to the house drainage system or the public sewer, shall not be permitted. Where more than sixty (60) gallons of material in open tanks are used, a drain to an approved tank located outside the building shall be provided.

4.1.2 Panels of polished wired glass or plate-glass at least one-quarter ($\frac{1}{4}$) of an inch thick, not exceeding seven hundred and twenty (720) square inches in area and not more than forty-eight (48") inches in any linear dimension may be used in the sides of a spray booth or room.

4.1.3 The inner sides of walls, ceilings and the floors of all spraying or dipping spaces shall have a smooth surface.

4.1.4 All openings in spray, dip or immersing rooms shall be protected by fireproof doors. Only windows opening to a street may be permitted or a window not on a lot line more than 20 ft. distant from windows of adjacent buildings not in same plane may be used for ventilation.

4.1.5 Ferrous metals used in the construction of spraying, dipping or immersing spaces shall be thoroughly painted on the inside or be galvanized.

4.1.6 All spraying, dipping or immersing spaces shall be so constructed that a reasonable length longer is maintained than required for the article or thing to be sprayed, dipped or immersed. Ferrous metals shall not be used for such floor surface.

4.1.7 At least three (3) feet of clear working space shall always be maintained for each operator spraying, dipping or immersing any article or thing.

4.2 SPECIFICATIONS FOR DUCTS, PIPES AND FANS.

4.2.1 All ducts used for ventilating spray, dip or immersing spaces shall be constructed of metal of not less than the following gauges of metal.

Ducts twenty-four (24") inches or less in diameter No. 22 gauge.

Ducts over twenty-four (24") inches and not over thirty-six (36") inches in diameter No. 20 gauge.

Ducts exceeding thirty-six (36") inches in diameter No. 18 gauge.

4.2.2 Ducts shall be strongly constructed and be installed in a workmanlike manner. They shall be rigidly supported.

4.2.3 Ventilating ducts shall run as directly as practicable to the outer air and be protected with a hood against the weather. The exhaust terminal or hood shall also be protected with a screen of copper or bronze with a mesh not larger than one-quarter ($\frac{1}{4}$ ") inch.

4.2.4 Where a duct passes through a non-fireproof roof, the duct shall be protected at such point by an outer pipe or sleeve with an air space of at least one (1") inch between the sleeve and duct. The outer pipe shall be not less than two (2") inches from any woodwork and such woodwork shall be covered with metal.

4.2.5 Ventilating ducts shall not terminate within ten (10) feet measured horizontally of any chimney outlet, unprotected air intakes or of any door or window in an adjoining building.

4.2.6 If induced draft is used to create an air movement, the air shall be supplied from a point outside the spray or dip or immersing space. Fans and motor must be located outside the spray or dip space, except approved explosion-proof motor and non-ferrous blade fans.

4.2.7 The exhaust system from any spray, dip or immersing space shall not be connected to any other ventilating system or be discharged into a chimney or flue used for the purpose of conveying gases of combustion.

4.2.8 Exhaust fan blades shall be constructed of non-ferrous metal. All exhaust and ventilating fans to be permanently connected to their source of power, using metallic conduit. Rheostats in fan bases not permitted. Fan blades not coming in direct contact with spraying fumes, need not comply with this requirement.

4.3 Storage rooms shall be constructed of fireproof or fire-resisting partitions with waterproof floors and be adequately ventilated by either natural or mechanical means.

4.4 No motors, switches, rheostats, lamps or other electrical equipment shall be located in spray, dipping or immersing rooms or within ten (10') feet of any spray compartment, spray booth, immersing or dipping space unless such electrical equipment be of a type approved for use in explosive atmospheres and where a conduit leads from a hazardous location to a non-hazardous location, the conduit shall be sealed off by an approved sealing compound. Except that alternating current induction motors of the totally enclosed type, having no brushes, make and break contacts, collectors or other arcing or sparking parts may be located within ten (10') feet of a spray booth, spray compartment or dipping space when approved by the administrative official having jurisdiction.

4.4.1 Artificial lighting shall be only by means of electricity.

4.5 LIGHTING FIXTURES.

4.5.1 When lighting fixtures are located within 10 feet of a spray booth, spraying compartment or dipping space, they shall be of the rigid

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stem type, enclosing all wiring and be equipped with keyless sockets having vaporproof globes, protected by wire guards.

- 4.5.2 All electrical equipment shall be installed and grounded as provided by the Administrative Code covering electrical equipment and permanently connected to their source of current supply, using metallic conduit.
- 4.5.3 No pin plug receptacles shall be used.
- 4.5.4 All electric light wiring shall be enclosed in metal conduits and shall conform to Rule 4.4.
- 4.5.5 The use of portable cords or trailer lights are prohibited.

Rule 5. Maintenance and Operation.

- 5.1 Every premises wherein a spraying, dipping, or immersing space is maintained and operated shall be continuously under the charge and supervision of one or more persons holding a certificate of fitness, whose duty shall be to see that the spray, dipping and immersing space rules and the terms of the permit are not violated. No other duties shall interfere with the enforcement of these rules.
- 5.2 Smoking or the carrying of lighted cigars, cigarettes or pipes in spray, dipping or immersing space is prohibited.
- 5.3 No person shall be permitted within a spray space between the spray gun and the exhaust outlet while the spray gun is in use.
- 5.4 Spraying, dipping or immersing spaces and its surroundings shall be kept clean at all times and shall be kept clear of all materials, equipment and utensils not required in the operation of the spray. Side walls, ceilings, baffle plates, etc., shall be sprayed with soap and water solution, before cleaning, or cardboard or masking paper can be fastened before any operation and after said operation be removed from the premises in approved waste cans.
- 5.5 Floors within and surrounding spray, dip or immersing spaces shall be kept clean and free from waste material at all times.
- 5.6 Spray rooms, booths, fans, ducts, and other equipment shall be cleaned frequently and maintained in clean and efficient working condition; lacquer spraying booths shall be wet down before cleaning.
- 5.7 Implements used for cleaning shall be made of non-ferrous material to avoid sparks.
- 5.8 Metal waste cans with self-closing covers shall be provided for all spraying, dipping or immersing spaces and storage rooms. The number to be installed shall be determined by the administrative official having jurisdiction.
- 5.9 Approved fire appliances shall be installed in all spraying, dipping or immersing spaces and in storage rooms as may be determined by the administrative official having jurisdiction.
- 5.10 Accumulation of flammable waste, sweepings or deposits from spray, dip or immersing space is prohibited. All such waste shall be placed in approved waste cans and be removed from the premises at the close of work each day.
- 5.11 All sand papering of lead painted surfaces shall be done with wet sand paper.
- 5.12 No motor vehicle shall be taken into or out of a spray space under its own power. Batteries shall be removed before the process of spraying is begun.

Rule 6. Storage and Mixing.

- 6.1 Main supplies of spray coating materials and thinners shall be kept in an outside storage building, storage rooms or in vented metal cabinets in accordance with the following amounts:

- 6.1.1 Spraying materials not in excess of 20 gallons may be stored in metal cabinets or wood cabinets, metal covered on both sides including the door. All cabinets to be ventilated at top and bottom.
- 6.1.2 Spraying materials in excess of 20 gallons and not exceeding 100 gallons may be stored in double-walled metal cabinets vented directly to the outer air.
- 6.1.3 Spraying materials in excess of 100 gallons shall be stored in a separate exterior storage building of fireproof or fire-resisting material with ventilated plain glass skylight or in a storage room constructed fireproof in a fireproof building or fire-resisting in a non-fireproof building. The maximum amount of spraying materials to be stored in a storage room of a non-fireproof building shall be determined by the administrative official having jurisdiction. Storage rooms shall have a window opening to the outer air but such window shall not be on a lot line, enclosed court, nor opposite within twenty feet of windows of adjacent buildings nor part of the same premises, such window openings to be fireproofed and lower half provided with open louvers or ventilated by metal duct or fan at least 8 inches in diameter. The floors of all storage rooms shall be waterproofed up to a height of at least 6 inches from the floor and be properly pitched for drainage purposes to a low point within the enclosure. Any drain in such storage room shall not be connected to the house drainage system or street sewer. The sill of the door shall be at least 6 inches above the finished floor. All doors to be tin-clad, approved, fireproof and self-closing.
- 6.1.4 Mixing or thinning of coating materials shall be conducted in a storage building or storage room, except that containers of total capacity not exceeding ten gallons may be opened and their contents mixed in the spray room or room in which booths are located while the air exhaust system is operating.
- 6.1.5 Working supplies sufficient for not more than one day's use but not exceeding twenty gallons to each booth, nor a total of one hundred gallons, may be kept in the spray room or room in which spray booths are located; covers of containers must be kept thereon when such containers are not actually in use. This amount is in addition to the amount allowed in 6.1.7.
- 6.1.6 Gravity feed material containers for supplying spray guns shall not exceed ten gallons in capacity and shall be supported by wire cables or metal brackets having a factor of safety of two when filled with the heaviest spraying materials used.
- 6.1.7 Pressure feed tanks and other equipment for use in connection with direct spraying under air pressure shall be restricted to tanks of not more than sixty gallons, individual capacity, designed, constructed and approved for this specific purpose by the Board of Standards and Appeals. Each tank shall be provided with a safety valve set at a pressure not exceeding eighty pounds. All gravity feed containers and other spraying equipment shall be approved as above.
- 6.1.8 The installation of all electrical wiring, switches, lighting and all other electrical equipment, and the provisions of these rules against carrying matches or smoking and prohibiting flame or spark-producing devices, shall also apply to storage or mixing rooms.

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6.2 STORAGE of spraying, dipping and immersing materials shall not be in excess of two hundred (200) gallons in a storage room, but in a building in which nitro cellulose products are manufactured, stored or kept the amount shall be not over twenty-five (25) gallons as per Section C19-113.0, subdivision h of the Administrative Code.

6.3 Sprinkler heads shall be provided in all spray, dip or immersing spaces and storage rooms and shall be installed in accordance with the Sprinkler Rules of the Board of Standards and Appeals, except in non-sprinklered buildings where sprinkler connection may be made to the house water supply.

6.4 Sprinkler heads in spray, dip and immersing spaces shall be cleaned at least once a week under the supervision of the person holding the certificate of fitness and a coating of light grease or vaseline shall be applied after each cleaning to prevent the formation of a hard deposit and render the sprinkler useless in case of fire. The use of paper bags or other materials about sprinkler heads is prohibited.

Rule 7. General Requirements.

Notice—Attention is called to the provisions of the Administrative Code as to violations reading as follows:

Section C19-152.0 of the Administrative Code, "Any person who shall willfully violate or neglect or refuse to comply with any of the provisions of this chapter in addition to any other penalties prescribed by law or ordinance shall, upon conviction, be punished by a fine of not more than \$500 or by imprisonment not exceeding 6 months, or by both such fine and imprisonment."

NOTE:—The principal cause of fires in spray-booth installations are: broken electric lamps and other electrical defects; cleaning the interior of booths, fans and motors with highly flammable solvents; accumulation of deposits in the tubes and vent pipes from neglect in cleaning them frequently; unnecessary accumulation of waste and refuse, smoking and a general lack of cleanliness.

- (a) "No Smoking" signs, with letters at least 2 inches in height, shall be posted in all spray rooms and paint storage rooms or building.
- (b) No combustible materials shall be stored or maintained within 15 feet of any spray booth.
- (c) All stocks shall be arranged so as not to interfere with the operation of automatic sprinkler heads.

Rule 8. Existing Spray Booths and Installations.

These rules shall be retroactive in the following respects:

Rule 1.3 Heating of Rooms.

Rule 3.1 Air Exhaust System.

3.2 Air Supply and Mixing.

Rule 4.1 Construction of Spray Booths.

4.1.3 Surfacing of Booths.

4.1.5 Surfacing of Booths.

4.2.2 Maintenance of Ducts.

4.2.5 Electric Lighting.

4.2.6 Method of Induced Draft.

4.4 Separation of Booth from Flame.

4.4 Location of Motors.

Rule 5.1 Certificate of Fitness.

5.2 Smoking, Matches, etc.

5.6 Maintenance of Equipment.

5.7 Cleaning Implements.

5.9 Fire Appliances.

5.10 Accumulation and disposal of waste materials.

5.12 Motor Vehicles in booths or rooms.

Rule 6. Storage and Mixing.

Rule 7. General Requirements.

NOTE:—Rules 6.1, 6.2, 6.3 and 6.4 may not be applied in fireproof buildings equipped with an approved existing automatic sprinkler system where the general conditions of cleanliness are properly maintained at all times.

Rule 9. Approval Forms and Plans.

There shall be filed before installation with the administrative official by the purchaser (or by the seller thereof) an application form on sheet 8 inches by 10 inches, which form shall give the proper name and address of booth user and also the floor on which the booth or booths are to be installed. An ink drawing of the floor upon which the booth will be located shall be submitted on the form sheet; such drawing shall show by feet and inches the location of exits, chimneys and booths.

When a storage and mixing room is to be installed, plans drawn to a scale of at least 1/16 of an inch to a foot shall be filed with the administrative official for examination and approval. Such plan shall show on the floor plan the location of all booths, storage and mixing rooms exits, and all chimneys and exterior openings within 15 feet of the storage rooms and vent ducts.

NOTICE

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the Board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication of this BULLETIN of the calendars of the Board, each case being set down by Calendar Number and the premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the

offices of the Board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the Board is to dispose of all cases promptly; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

RULES

EXTRACTS FROM THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, RELATING TO REFRIGERATING SYSTEMS

General Provisions.

§C19-2.0. Definitions.

Unless otherwise expressly stated, whenever used in this chapter the following terms shall respectively be deemed to mean:

34. Refrigerating system, a combination of apparatus in which a refrigerant is circulated for the purpose of extracting heat.

(a) The parts of the system are the compressor, generator, condenser, absorber, receiver, shell type or tube type apparatus, pipes, vessels, or other parts, containing refrigerant.

(b) Direct refrigeration, a system in which the refrigerant is circulated to the substance or space refrigerated.

(c) Indirect refrigeration, a system in which brine cooled by the refrigerant is circulated to the substance or space refrigerated.

(d) Refrigerant is the chemical agent other than brine used to produce refrigeration.

(e) Irritant refrigerant, any refrigerant which when breathed, attacks the throat or lungs.

(f) Hydrocarbon refrigerants, any refrigerant of the hydrocarbon class.

(g) Flammable refrigerant, any refrigerant which will burn or explode when mixed with certain proportions of air.

(h) Refrigerating machinery room, a room in which is located a refrigerating system containing refrigerant, but not including expansion coils when located in cold storage rooms or expansion coils when located in refrigerator boxes.

(i) Factor of safety, the multiple three and one-third ($3\frac{1}{3}$), the product of which and the test pressure, constitutes the probable rupture pressure.

(j) Pressure imposing element, that apparatus which draws the refrigerant from the low pressure or low temperature side of the system and discharges it into the high pressure or high temperature side of the system.

(k) Pressure limiting device, a pressure or temperature responsive mechanism for automatically stopping the operation of the pressure imposing element.

(l) Brine, any liquid which having been cooled by the refrigerating system is used for the transmission of heat.

(m) Pressure relief device, a pressure relief valve, a rupture member, fusible plug or other approved device for relieving the pressure.

(n) Pressure relief valve, a valve held shut by a spring or other means to automatically relieve pressure in excess of its setting.

(o) Rupture member, a device that will automatically rupture at a pre-determined pressure.

(p) Liquid receiver, a vessel permanently connected to a system by inlet and outlet pipes for storage of a liquid refrigerant.

(q) Container, a cylinder for the shipment of refrigerant constructed to conform to the regulations of the Interstate Commerce Commission.

(r) Mixer, a vessel or device in a system for mixing the ammonia or other soluble vapor with water.

(s) Stop valve, a cut-off valve for use during normal operation.

(t) Service valve, a key-operated shut-off valve used only during shipment, installation or repairs.

(u) Fusible plug, a device having a predetermined-temperature fusible member for the relief of pressure.

§C26-235.0. Definitions.

(a) **Public Buildings.** Public buildings are structures or parts of structures in which persons congregate for civic, political, educational, religious or recreational purposes, or in which persons are harbored to receive medical,

charitable or other care or treatment, or in which persons are held or detained by reason of public or civic duty, or for correctional purposes, including among others, court houses, schools, colleges, libraries, museums, exhibition buildings, lecture halls, churches, assembly halls, lodge rooms, club houses with more than five sleeping rooms, dance halls, theatres, bath houses, hospitals, asylums, armories, fire houses, police stations, jails and passenger depots.

(b) **Residence Buildings.** Residence buildings are structures or parts of structures in which sleeping accommodations are provided, except such as may for other reasons be classed as public buildings, including multiple dwellings as defined in the Multiple Dwelling Law.

(c) **Commercial Buildings.** Commercial buildings are structures or parts of structures, which are not public buildings or residence buildings, including among others, office buildings, factory buildings, salesrooms (stores), markets, restaurants, warehouses, freight depots, car barns, stables, garages, motor vehicle repair shops, factories, laboratories, smoke houses, grain elevators, coal pockets, central station power plants and electric sub-stations.

Bonds and Fees.

§C19-24.0. Fees for Permits.

Applicants for permits under the provisions of this chapter shall pay annual fees as follows:

35. Refrigerating systems:	
Class A systems.....	\$20.00
Class B systems.....	10.00
Class C systems containing over six pounds of refrigerant	5.00
Class C systems containing six pounds or less of refrigerant	1.00

Refrigerating Systems.

C19- 96.0.	Permits.
C26-214.0.	Supervision.
C19- 97.0.	Classification.
C19- 98.0.	Permissible locations.
C19- 99.0.	Refrigerating machinery rooms and ventilation.
C19-100.0.	Open flames and electrical equipment.
C19-101.0.	Testing.
C19-102.0.	Piping.
C19-103.0.	Safety devices.
C19-104.0.	Size of safety devices.
C19-105.0.	Location and discharge of safety devices.
C19-106.0.	Operating precautions.
C19-107.0.	Equipment diagrams.

§C19-96.0. Permits.

(a) Except as hereinafter provided in this article it shall be unlawful to maintain or operate a refrigerating system without a permit.

(b) A permit will not be required for a Class C system when maintained or operated in the residence portion of a dwelling containing not more than two families, or in the residence portions of either a tenement house or a business building.

(c) It shall be unlawful to maintain or operate any refrigerating system employing a refrigerant other than those specified in this article without a permit issued upon such conditions, consistent with the provisions of this article, as are deemed by the fire commissioner necessary in the interest of public safety.

NOTE:—The Fire Chief and Commissioner prescribed under date of April 4, 1934, the following:

1. That the refrigerants dichlorodifluoromethane, known as "Freon" ("Kinetic No. 12" also "F-12") CCl_2F_2 also dichlorotetrafluoroethane ("F-114") $\text{C}_2\text{Cl}_2\text{F}_4$ and monofluorotrichloromethane ("F-11") CFC^3 are non-flammable and non-irritant, unless otherwise hereinafter provided, and

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shall be regulated in accordance with the provisions of Article 18 of Chapter 19 of the Administrative Code, as such, except, when used in a room or rooms in which there is an open flame or apparatus to produce an open flame, when the provisions of said article covering irritant refrigerants shall apply.

2. That refrigerating systems employing F-11, F-12 or F-114 are restricted to parts of a building so specified in Section C19-98.0 (b) for refrigerants other than non-irritant and non-flammable.

3. That refrigerating systems employing F-11, F-12 or F-114 used for air conditioning are restricted to the indirect method except that the direct method may be used in parts of a building so specified in Section C19-98.0 (b) for refrigerants other than non-irritant and non-flammable.

4. That refrigerating systems employing F-11, F-12 or F-114 shall not be installed or maintained in or on the stairways, halls, lobbies, entrances, exits or auditoriums of any building.

5. That refrigerating systems employing F-11, F-12 or F-114, shall not be installed or maintained in a hospital, unless the entire system is confined in a fireproof machinery room, used for no other purpose, and in which no open flame shall be employed, except that the Class "C" system containing not more than 10 pounds of refrigerant may be used in a diet kitchen which shall be cut off from the rest of the building by a tight fitting self-closing door or doors and provided with a window or windows to the outside air. All open flames, and/or apparatus for producing an open flame, in diet kitchens where these refrigerants are used shall be vented to the outside air as hereinafter required in Paragraph 8.

6. That refrigerating systems employing F-11, F-12 or F-114 may be installed or maintained in a hospital private room, having tight partitions and tight fitting self-closing door or doors and where not more than two persons are helpless and/or given medical treatment, provided there is no open flame and/or apparatus for producing an open flame in such room and when the system contains not more than 10 pounds of refrigerant.

7. That a refrigerating system employing F-11, F-12 or F-114 shall not be installed or maintained in a theatre and/or motion picture theatre unless the entire system is confined in a fireproof machinery room, used for no other purpose, and in which no open flame and/or apparatus to produce such open flame shall be employed, except that Class "C" systems containing not more than ten pounds of refrigerant may be installed in a rest room, smoking room or lounging room provided in such rooms no open flame or apparatus to produce such open flame shall be employed.

8. That a refrigerating system employing F-11, F-12 or F-114 when used in a room or rooms in which there is an open flame or apparatus to produce such open flame, such open flame and/or apparatus shall be provided with a hood and independent mechanical ventilation so arranged as to convey all the products of combustion to the outside of the building. This provision shall apply only to diet kitchens of hospitals and to Class "C" systems in schools, churches, dance halls, court rooms, police stations, jails, asylums, subways, passenger depots, rooms opening into passenger depots and/or subways and such other places as are deemed by the Fire Commissioner necessary in the interest of public safety.

9. That, except for Class "C" systems located in rooms in which no open flame or apparatus to produce such flame shall be employed containing not more than ten pounds of refrigerant, each refrigerating machinery room in any building in which F-11, F-12 or F-114 are used, shall be maintained vapor-tight and provided with tight fitting, self-closing doors, in accordance with Section C19-99.0 (a).

10. That each refrigerating machinery room in which F-11, F-12 or F-114 is used, shall be adequately ventilated directly to the outside air in accordance with Section C19-99.0 (b), 1, 2, 3 and 4.

11. Test pressures and setting of safety valves for systems employing F-11, F-12 or F-114, shall be included in Section C19-101.0 as follows:

Refrigerant	Column No. 1	Column No. 2	Column No. 3
F-11	25	15	15
F-12	180	120	135
F-114	60	30	30

12. That the size of pressure relief valves for systems in which F-11, F-12 or F-114 is employed, shall be as follows:

Capacity of System	Number Required
Up to 30 tons	One 1/2 inch
30 to 60 "	One 3/4 "
60 to 100 "	One 1 "
100 to 175 "	One 1 1/4 inches
175 to 250 "	One 1 1/2 "
250 to 450 "	One 2 "
450 to 900 "	Two 2 "

13. That the storage of F-11, F-12 or F-114 shall conform with Section C19-106.0 (c)-5 for other refrigerants.

14. That all other sections or parts of Article 18 of the Administrative Code not so mentioned, shall be complied with.

15. That refrigerating systems employing F-11, F-12 or F-114, installed prior to May 19, 1932, shall be inspected, and if found to comply with the rules, or if in the opinion of the Fire Commissioner, the installations are of a non-hazardous character, a permit may be issued. Installations which have been made in hospitals, theatres, asylums and places of public assembly shall be made to comply strictly with these rules.

(d) A permit, where required, shall be applied for forty-eight hours after installation is completed, containing the name of the person for whom the system is installed and the place or location of the system.

(e) Only the refrigerant specified in the permit shall be used in the system.

(f) Refrigerating systems to which these provisions cannot be applied, may be maintained and operated subject to such conditions as are deemed necessary by the fire commissioner.

§C26-214.0. Refrigeration System Operators; Certificate of Qualification.

(a) It shall be unlawful to maintain or operate in any building any refrigerating system containing more than fifty (50) pounds of refrigerant except under the personal supervision, direction or control of either a duly licensed engineer or a person who has obtained a certificate of qualification from the superintendent to operate such a system. Where the system contains two hundred (200) pounds or less of refrigerant and is fully automatic, only one qualified operator will be required.

(b) It shall be unlawful to maintain or operate in a public building or exhibition hall any Class C system permitted for exhibition or demonstration purposes except under the personal supervision, direction or control of either a duly licensed engineer or a person who has obtained a certificate of qualification from the superintendent to operate such a system.

(c) Upon receipt of such certificate the applicant therefor shall pay an annual license fee as follows: For the initial fee \$5, and for renewal thereof the sum of \$1 provided application for such renewal be made within thirty days prior to the expiration of such certificate. Any such certificate may be revoked or suspended for cause at any time by the superintendent.

§C19-97.0. Classifications.

(a) The total amount of refrigerant common to a system operating through one or more evaporators, shall be considered the capacity of the system and determine its class.

(b) A Class A system is a system containing one thousand (1,000) pounds or over of refrigerant, or capable of thirty (30) tons capacity or over.

(c) A Class B system is a system capable of less than thirty (30) tons capacity, or containing less than one thousand (1,000) pounds of refrigerant and more than amounts provided for in a Class C system.

(d) A Class C system is a system containing not more than twenty (20) pounds of refrigerant.

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§C19-98.0. Permissible Locations.

(a) It shall be unlawful to install any Class A or Class B systems in any public building as defined by subdivision a of section C26-235.0 of the code, until plans have been filed with and approved by the fire commissioner, and no refrigerant shall be placed in the system until a permit has been obtained from the fire commissioner.

(b) The direct method of refrigeration shall not be used in any building, whether or not a permit is required for installation therein, outside of the refrigerating machinery room except in buildings used exclusively for ice making or for refrigerating purposes, or when such method is not carried above the first floor in business buildings, or in the business sections of business buildings provided the entire system is confined to one floor in the space occupied by a single tenant, or in the business section of a residence building when not carried above the first floor, or in a residence building occupied by not more than two families, or in any building provided a non-irritant and non-flammable refrigerant is used. The provisions of this subdivision shall not apply to a building in which installation was made prior to December 13, 1927.

(c) It shall be unlawful to use brine in any brine circulating system that will generate flammable vapor at a temperature below 100 degrees Fahrenheit when tested in a Tagliabue open cup tester, and no refrigerant shall be use as a brine.

(d) It shall be unlawful to install or maintain a Class A system using ammonia in any building above the first floor level unless such building is used exclusively for ice making or refrigerating purposes. The provisions of this subdivision shall not apply to a building in which installation was made prior to December 13, 1927.

(e) Systems on demonstration in exhibition halls shall be limited to the unit type containing not more than ten (10) pounds of refrigerant.

(f) It shall be unlawful to install or maintain a refrigerating system employing an irritant or inflammble refrigerant in or on:

1. The stairways, halls, lobbies, entrances, exits or auditoriums of any building;
2. Dance halls, court rooms, police stations, jails, subways, theatres, or motion picture theatres;
3. Waiting or public rooms in a railroad passenger depot or rooms opening directly therein;
4. Rooms opening directly into a subway, or theatre, or motion picture theatre, or where persons are detained or confined;
5. A school, unless the refrigerating system is used exclusively for instructions or research purposes;
6. A hospital or asylum in which persons are confined or given medical treatment or helpless. Unless otherwise required by this section, such refrigerating system shall be cut off from the building by unpierced fireproof construction.

The foregoing provisions do not apply to hermetically sealed unit system containing not more than six (6) pounds of refrigerant when located in dance halls, police stations, diet kitchens of hospitals, schools, or laboratories, and when located in rooms shut off from the rest of the building by tight partitions and tight-fitting, solid, self-closing doors and located in a room having a window to the outside air.

(g) An intermittent absorption type of refrigerating machine shall not be permitted in a Class A system. Such a type of machine shall be permitted in a Class B system only when a heating medium of low pressure steam is used in its operation.

(h) The use of methyl and ethyl chloride, sulphur dioxide, or a hydro-carbon refrigerant will not be permitted in Class A systems.

(i) A Class B system using ethyl chloride or a hydro-carbon refrigerant shall not be installed or maintained in the Borough of Manhattan or in other built-up sections of the city. Elsewhere, it shall be installed or maintained only in a fireproof building of not more than one story in height, and shall be located on the ground floor, which shall be of

unpierced fireproof construction. The refrigerating machinery room shall be cut off from the rest of the building by unpierced fireproof walls of not less than eight inches (8") of brick or six inches (6") of reinforced concrete. Direct exit therefrom leading to the open air and not to any other part of the building shall be maintained and shall be provided with vapor-tight, self-closing, fireproof doors.

§C19-99.0. Refrigerating Machinery Rooms and Ventilation.

a. Refrigerating machinery rooms.

1. All refrigerating machinery rooms in which an irritant refrigerant is used shall be maintained vapor-tight except that all doors which open to other parts of the building shall only be required to be self-closing and close fitting, and shall be kept closed at all times, except during entrance or exit. All other openings that may permit the passage of vapor to other parts of the building shall be vapor-tight and kept closed. No opening from elevator shafts shall be permitted in the refrigerating machinery room. This provision, however, shall not apply to dumb-waiter shafts the door openings of which are protected with self-closing fire doors or to a system containing less than six (6) pounds of refrigerant. Closets solely contained within and opening only into the refrigerating machinery room shall be considered as part of the room in which it opens.

2. In Class A and Class B systems in which an irritant refrigerant is used, the doors of the refrigerating machinery rooms shall open outwardly.

b. Ventilation.

1. Each Class A, B and C refrigerating machinery room of any system shall be independently provided with means for adequate ventilation to the outer air. The ventilation shall consist of a window or windows opening directly to the open air, or mechanical means capable of exhausting the foul air from the room.

2. When a window or windows are used, if placed in opposite walls so as to provide a through air circulation to the outer air, a total area of inlet and outlet, respectively, of not less than that specified in Column D of the table in subdivision 4 shall be provided. When a window or windows are placed in one wall a total area shall be provided not less than that specified in Column E of such table.

3. When mechanical means are used they shall consist of a power-driven exhaust fan of the enclosed case blower type which shall be capable of removing from the refrigerating machinery room the amount of air specified in Column B of the table in subdivision 4. The inlet to the fan shall be located near the refrigerating equipment. The outlet from the fan shall terminate not less than six (6) feet above the sidewalk and in no case under a stairway or fire escape. Where air ducts are used on either the inlet or discharge side of the fan they shall each have an area not less than that specified in Column C of such table. Sharp bends in the run of the ducts shall be avoided. The control for such mechanical means of ventilation shall be easily accessible and located outside of the refrigerating machinery room.

4.

	Pounds of Refrigerant in System	Mechanical Cu. Ft. per Minute Discharge	Mechanical Sq. Ft. Duct Area	Window Area in Sq. Ft. for each Opposite Side	Window Area in Sq. Ft. for One Side Only
	A	B	C	D	E
Up to....	20	150	1/4	1	6
	50	250	1/3	1 1/2	12
	100	400	1/2	2	16
	150	550	2/3	2 1/2	19
	200	680	2/3	3	25
	250	800	1	3 1/2	29
	300	900	1	4	32
	400	1,100	1 1/4	4 1/2	38
	500	1,275	1 1/4	5	42

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600	1,450	1½	6	45
700	1,630	1½	6½	48
800	1,800	2	7	51
900	1,950	2	7½	55
1,000	2,050	2	8	59
1,250	2,350	2¼	9	68
1,500	2,800	2½	11	78
1,750	3,150	3	12½	87
2,000	3,500	3½	14	95
2,500	4,150	4	16	113
3,000	4,500	4½	18	130
4,000	6,000	6	24	167
5,000	7,500	7½	30	204
6,000	9,000	9	36	241
7,000	10,500	10½	42	278
8,000	12,000	12	48	315
9,000	13,000	13	52	342
10,000	14,000	14	56	360
12,000	17,000	17	68	425
14,000	19,000	19	75	470
16,000	22,000	22	86	540
18,000	24,000	24	92	580
20,000	26,500	26	100	630
25,000	33,000	33	121	760
30,000	39,000	39	142	870
35,000	44,000	44	155	940
40,000	51,000	51	176	1,060
45,000	56,000	56	190	1,120

Note—Door openings leading directly to the open air shall be considered equivalent to windows for the requirements specified in columns "D" and "E" of this table.

5. Where a non-irritant or non-flammable refrigerant is employed, the requirements as given in the table in subdivision 4 may be reduced by one-half. When air or water is employed as the refrigerant no ventilation shall be required.

6. In lieu of mechanical means of ventilation in refrigerating machinery rooms where a Class A system or a Class B system using ammonia is installed, a water deluge may be provided which shall consist of a sprinkler system having open heads of not less than one-quarter inch (¼") orifice spaced not more than eight feet apart in any direction, and such system shall be located above all the refrigerating apparatus and piping in the refrigerating machinery room. Not more than one head shall be installed on a ¾-inch pipe; five heads on a 1-inch pipe; six heads on a 1¼-inch pipe. The deluge system shall be permanently connected with the main house supply or other assured source from which a constant water pressure of not less than twenty pounds per square inch can be maintained on the inlet side of the main control valve or valves at all times. The control valve or valves for such water deluge system shall be manually operated and easily accessible, and shall be labeled and located outside of the refrigerating machinery room.

§C19-100.0. Open Flames and Electrical Equipment.

a. Open flames.

No fire-flame or arc light will be permitted in a Class A or B refrigerating machinery room in which a flammable refrigerant is used.

b. Electrical equipment.

1. All Class A and B refrigerating systems containing more than fifty (50) pounds of refrigerant shall have an emergency switch controlling all of the electrically-operated refrigerating machinery or the remote control of such a switch located outside of the refrigerating machinery room where it can be quickly reached and operated in case of necessity.

2. Where the operating mechanism in any system is dependent upon electrical control, such control in a pressure limiting device shall be on a closed circuit. Nothing herein contained shall require a hand reset on an automatic type of refrigerating machine.

§C19-101.0. Testing.

Every part of any refrigerating system, except pressure gauges and control mechanism shall be tested to at least the following pressures: Class A and B systems containing over fifty (50) pounds of refrigerant shall be tested after installation and proved tight before being operated. A dated declaration of such test, signed by the tester, shall be posted in the machinery room.

Refrigerant	Col. 1 High Pressure Side	Col. 2	Col. 3
		Low Pressure Side	
		With Safety Valves	Without Safety Valves
Carbon dioxide	1,500	750	1,000
Ethane	1,050	520	760
Ammonia	300	150	225
Propane	250	115	175
Methyl chloride	155	80	120
Sulphur dioxide	135	100	100
Iso-butane	90	45	70
Butane	75	35	50
Ethyl chloride	30	15	25
Dichloromethane	12	12	12
Dichloroethylene	12	12	12
Trichloroethylene	12	12	12

§C19-102.0. Piping.

a. Piping.

1. All piping, liquid receivers or vessels containing the refrigerant, shall be supported on or by strong and durable materials. This provision shall not apply to Class C installations.

2. The arrangement of stop valves, relief devices, and other similar devices, when used shall be as shown on the diagram for Class A and B systems in section C19-107.0 of the code.

3. Every system which may be charged after installation shall have the charging connection located on its low pressure side.

b. Gauge glasses.

Liquid level gauge glasses, except those of the bull's eye type, shall have automatic closing shut-off valves and such glasses shall be adequately protected against injury by slotted metal casings.

§C19-103.0. Safety Devices.

a. Construction and setting.

1. Pressure relief valves, pressure limiting devices and rupture members shall be set to prevent the pressure from exceeding the test pressure. The pressure at which the device is set to function shall be indicated thereon. (See section C19-101.0 of the code, columns 1 and 2 of table.)

2. Fusible plugs shall relieve the pressure at a temperature not exceeding 280 degrees Fahrenheit.

b. Use of stop valves.

1. It shall be unlawful to locate a stop valve between a pressure relief device or pressure limiting device and the part of the system protected thereby, unless two pressure relief devices of required size are used, and so arranged that only one pressure relief device can be cut off for repair purposes at any one time.

2. A Class B system in which no stop valves are used and in which the pressure will equalize throughout the system when the pressure imposing element is not in operation may be protected by only one pressure relief device located on the high pressure side.

c. Ammonia mixer.

1. The low pressure side of a Class A ammonia system shall be provided with a hand-operated valve for discharging the ammonia into water through a mixer to the sewer in case of emergency.

2. The ammonia mixer shall be constructed of steel and shall be capable of withstanding a pressure of at least fifty (50) pounds per square inch.

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3. It shall be unlawful to locate a valve in the ammonia emergency discharge line, except for the manually-operated valve discharging into the water and ammonia mixer, but there may be one stop valve located inside the building for repair purposes only. This valve shall be sealed open and labeled "Keep Open."

4. The manually operated pressure relief valve shall be located in a locked box which can be opened by members of the Fire Department by means of a Fire Department key. The door of the box shall be on the public thoroughfare side of the building in an easily accessible location and not less than eighteen (18) inches or more than five (5) feet above the sidewalk level. The box shall be permanently labeled with letters of not less than one (1) inch reading "For Fire Department Use Only." The relief valve shall be labeled "Ammonia." A sign shall be posted within the box reading "Do Not Open Valve Until Water Is Flowing."

5. A single standard three (3) inch fire department connection shall be provided through which the necessary water may be supplied to the mixer. The fire department connection shall be located near the box and not less than eighteen (18) inches or more than twenty-four (24) inches above the sidewalk level and shall be permanently labeled having letters not less than one (1) inch high reading "To Ammonia Mixer." A check valve so set as to prevent gases from reaching the fire department connection shall be installed in the water line between the fire department connection and the water and ammonia mixer.

6. The fire department shall have sole use of the mixer and supply the necessary water.

7. In systems using over twenty-seven thousand (27,000) pounds of ammonia there shall be provided one additional water and ammonia mixer for each twenty-seven thousand (27,000) pounds of ammonia or fraction thereof so used in excess.

8. The ammonia mixer and its connection for a Class A system shall conform to the diagram in section C19-107.0 of the code.

§C19-104.0. Size of Safety Devices.

(a) The size of pressure relief valves shall be as follows:

Capacity of System	CO ₂ and Ethane, No. Req., Size	Other Refrigerants, No. Req., Size
Up to 30 tons.....	1—1½"	1—½"
30 to 60 tons.....	1—½"	1—¾"
60 to 100 tons.....	1—½"	1—1"
100 to 175 tons.....	1—½"	1—1¼"
175 to 250 tons.....	1—¾"	1—1½"
250 to 450 tons.....	1—1"	1—2"
450 to 900 tons.....	.....	2—2"

(b) Where rupture members are permitted and used, the equivalent area of the relief valve specified must be provided.

(c) Fusible plugs may be used on all Class C systems and on all Class B systems of the hermetically sealed compression type containing not more than fifty (50) pounds of refrigerant. The free discharge opening shall be one-sixteenth (1/16) inch in diameter.

§C19-105.0. Location and Discharge of Safety Devices.

a. Location.

A pressure limiting device shall be provided on the high pressure side of each water-cooled refrigerating system containing more than six (6) pounds of refrigerant. A pressure relief valve shall be provided on the high pressure side of each water-cooled refrigerating system containing twenty (20) pounds or more of refrigerant, but it shall not be necessary to discharge the refrigerant to the outside air or water tank from any such refrigerating system containing fifty (50) pounds or less of refrigerant, any other provision of part 1, of this title, to the contrary notwithstanding.

b. Location and discharge of safety devices.

1. Each compressor or generator of a Class A or B system containing more than 100 pounds of refrigerant shall be protected by a pressure relief valve connected into the high pressure side between the main stop valve and the compressor or generator to relieve excessive pressure as hereinafter provided.

2. A rupture member may be substituted for the relief valve in CO₂ systems or systems operating below atmospheric pressure.

3. Shell type apparatus such as liquid receivers, condensers, evaporators, liquid separators and absorbers of Class A and Class B systems containing more than fifty (50) pounds of refrigerant, and Class B systems containing fifty (50) pounds or less of refrigerant which can be shut off by stop valves, shall each be equipped with a pressure relief valve, discharging as hereinafter provided.

4. Class C systems and Class B systems containing fifty (50) pounds or less of refrigerant so constructed that, when subjected to abnormal outside temperature such as that generated in a fire, they may burst due to the expansion of the refrigerant, shall be protected by a pressure relief device.

5. A pressure relief valve shall be required on the low pressure side of a Class B system into which the relief valve or valves on the high pressure side discharge, as so shown on equipment diagram of section C19-107.0 of the code.

c. Discharge of pressure relief valve.

1. Where ammonia is used in Class A systems, the discharge from relief valves must be conducted to the outside atmosphere or into that part of the low pressure side protected by the mixer as specified in subdivision C, of section C19-103.0 of the code. If it is discharged to the outside atmosphere it must be piped above the roof or not less than 12 feet above the grade. The discharge pipe shall be not less than the size of the relief valve outlet. The discharge from more than one relief valve may be run into a common header, the area of which shall be equal to the area of the pipes connected thereto. The outlet orifice shall be turned downward.

2. Where more than fifty (50) pounds of ammonia is used in a Class B system, the discharge from relief valves shall be piped to the outside atmosphere as specified for Class A systems, or to the low pressure side as shown in diagrams in section C19-107.0 of the code, or into a tank of water which shall be used for no purpose except ammonia discharge. At least one gallon of fresh water shall be provided for every pound of ammonia contained in the system. The water used shall be prevented from freezing without the use of salt or chemicals. The tank shall be substantially constructed of not less than one-eighth (1/8) of No. 11 U. S. gauge iron. No horizontal dimensions of the tank shall be greater than one-half (1/2) the height. The tank shall have a hinged cover or, if of the enclosed type, shall have a vent hole at the top. All pipe connections shall be through the top of the tank only. The discharge pipe from the pressure relief valves shall discharge the ammonia in the center of the tank near the bottom. The tank shall be as securely supported as any other portion of the system. There shall be no opening in the tank below the water level.

3. Where more than fifty (50) pounds of any refrigerant other than ammonia is used, the discharge from relief valves shall be to the atmosphere as specified for Class A ammonia systems. Carbondioxide may be discharged into the room if the same contains at least 10 cubic feet of capacity per pound of refrigerant used.

4. Arrangements of pressure relief devices for Class A and B systems shall conform to the diagrams in section C19-107.0 of the code.

§C19-106.0. Operating Precautions.

a. Masks and helmets.

1. In a Class A system which operates above atmospheric pressure, there shall be provided at least two helmets or masks.

2. In a Class B system in which more than fifty (50)

RULES

pounds of ammonia, sulphur dioxide or other irritant refrigerant is used, there shall be provided at least one helmet or mask.

3. Only helmets or masks that have been approved by the United States Bureau of Mines as suitable for the refrigerant employed shall be used, and they shall be kept in operative condition in an easily accessible case or cabinet located immediately outside the refrigerating machinery room.

b. Signs.

1. On Class A and Class B systems containing more than fifty (50) pounds of refrigerant there shall be painted on and affixed in a permanent manner to the main steam control, main electrical and remote control switches, receivers, containers and shell type coolers, signs having letters not less than one and one-half inches ($1\frac{1}{2}$ ") high, designating the part and refrigerant contained therein.

2. The seller of every Class A or B system shall furnish the purchaser with a sign bearing his name at least $8\frac{1}{2}$ " by 11" in size, which gives the rated refrigeration capacity and the quantity and kind of refrigerant required for the satisfactory operation of the system. The purchaser shall conspicuously and permanently display this sign in the machinery room. The quantity and name of the proper refrigerant content and the rated refrigeration capacity shall be stamped on all Class C systems near to or on the name plate.

3. The following information shall be posted in Class A and B machinery rooms where over fifty (50) pounds of refrigerant is used: (a) The names and addresses of the engineers or operators in charge; (b) Location of nearest fire alarm box; (c) The name, address and telephone number of physician to be called in case of emergency; (d) Instructions for safely shutting down the plant in case of emergency.

c. Storage of refrigerant.

1. Refrigerant not contained in the refrigerating system shall be stored only in non-inflammable or non-irritant containers conforming to the regulations prescribed by the Interstate Commerce Commission for the transportation of such refrigerant.

2. Only two containers holding not more than a total of three hundred (300) pounds of inflammable or irritant refrigerant shall be stored in a refrigerating machinery room of a Class A system.

3. Only one container holding not more than one hundred and fifty (150) pounds of inflammable or irritant refrigerant shall be stored in a refrigerating machinery room of a Class B system.

4. In a Class C system no refrigerant other than that used in the system shall be stored in the refrigerating machinery room.

5. If a greater amount of inflammable or irritant refrigerant than that permitted in a refrigerating machinery room is desired, it shall be stored in a fireproof building or enclosure used for no other purpose.

6. When the refrigerant is withdrawn from a system it shall be discharged only into a suitable absorbent or containers conforming to the regulations of the Interstate Commerce Commission for the transportation of such refrigerant. It shall be unlawful to permit any refrigerant to escape into the refrigerating machinery room.

7. Containers shall be connected to the system only during period of charging or withdrawing the refrigerant.

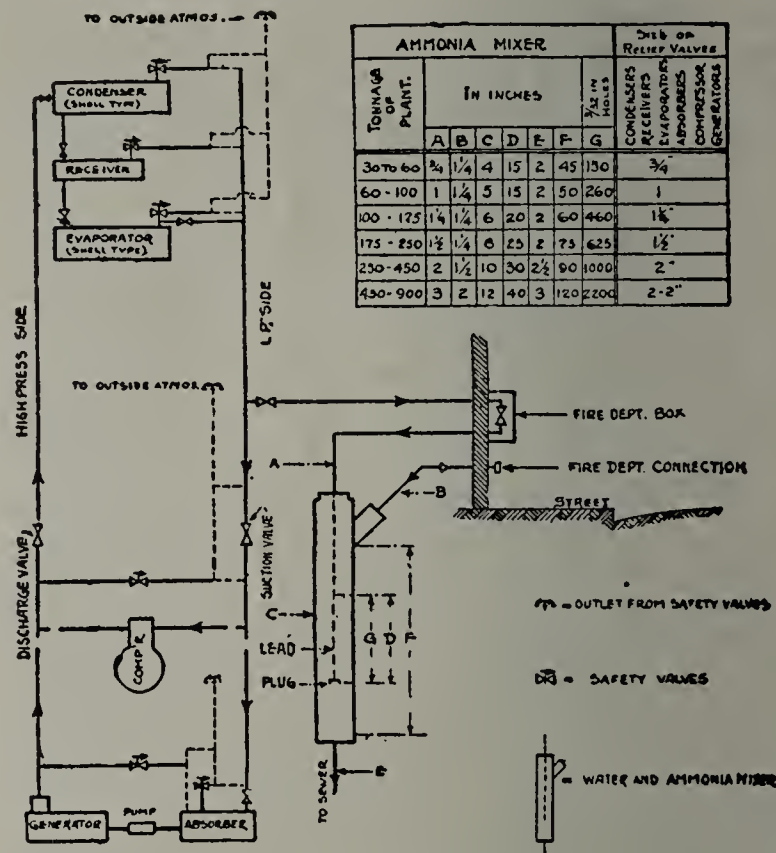
§C19-107.0. Equipment Diagrams.

(See arrangement of pressure relief devices for Class A and Class B equipment.)

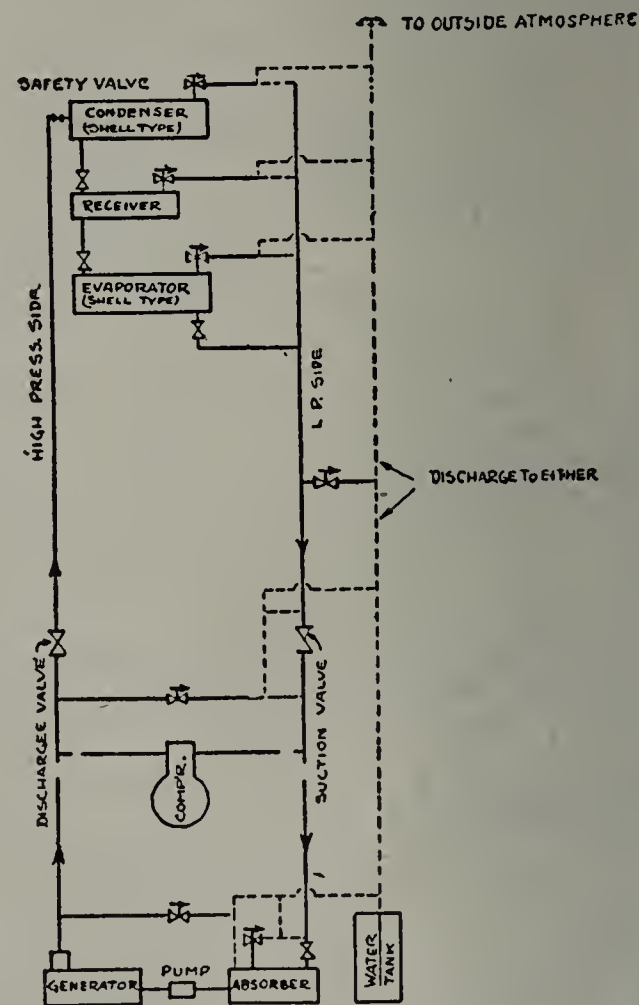
Penalties.

§C19-152.0. Violations.

Any person who shall willfully violate or neglect or refuse to comply with any provisions of part 1, of this title, except the provisions of article twenty-six, in addition to any other penalties prescribed by law, shall, upon conviction, be punished by a fine of not more than \$500, or by imprisonment not exceeding six months, or by both.



ARRANGEMENT OF PRESSURE RELIEF DEVICES
FOR
CLASS 'A' EQUIPMENT
SECTION C19-107.0



ARRANGEMENT OF PRESSURE RELIEF DEVICES
FOR
CLASS 'B' EQUIPMENT
SECTION C19-107.0

BULLETIN

OF THE

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CITY OF NEW YORK

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

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Rules relative to Submerged Inlets and Protective Methods to be applied to Prevent Contamination of Water Supply.

COURT DECISIONS

Matter of Realty Revenue Corporation vs. Wilson:—The Commissioner of Housing and Buildings issued an order requiring the building—a rooming house at 120-128 E. 34th Street, Manhattan, to be vacated because sprinklers and a fire alarm required by Section 248 of the Multiple Dwelling Law had not been installed. The owner claimed that he could not comply inasmuch as Federal agencies refused to permit the use of materials deemed necessary for the prosecution of the war. On an action brought to enjoin enforcement of the Commissioner's order, Mr. Justice Walter at Special Term, Supreme Court, stated in part, "No one here questions, and the court assumes, the validity of the Federal regulations set up by plaintiff. The case thus presents a conflict between a state law and a Federal law, and the solution of such conflict admits of no doubt. The Constitution of the United States and the laws of the United States made in pursuance thereof are the supreme law of the land, anything in the constitution or laws of any state to the contrary notwithstanding (U. S. Const. Art. VI).

"That the Multiple Dwelling Law was passed for the public welfare and protection, and is an exercise of the police power of the state which is valid and enforceable in the absence of any exercise of Federal power to the contrary, does not make the Federal power, when exercised, any the less controlling. "Neither is it even significant that there are prior decisions sustaining the constitutionality of the Multiple Dwelling Law.

"Owners of multiple dwellings may be subjected to uncompensated obedience to many regulations which are costly and burdensome to them, but to enforce against them regulations which the Federal government says they shall not comply with would be an unreasonable and unconstitutional deprivation of their rights. State commands and Federal prohibitions cannot be allowed to become upper and nether millstones between which the rights of citizens are ground to bits.

"I think, too, that the showing here made is sufficient to authorize an injunction preserving the status quo pending a trial.

"Even Federal-imposed inability to get certain materials cannot justify continued occupation of dwellings, the actual condition of which is such that they in fact constitute an actual and immediate menace to life or health. The commissioner will not be stayed if walls, floors or ceilings are falling down, or if unsanitary conditions make disease imminent. It thus may be that if inability to get materials continue for a long period there may come a time when owners of such dwellings will have to submit to having them vacated. Upon the papers now presented it does not appear that that point has been reached in this case. It is true that the defendant's order in this case recites, and certain inspectors in his department certify, that plaintiff's building 'is unfit for human habitation and is dangerous to life and health by reason of want of repair,' but upon the facts thus far shown that appears to mean nothing more than this: The state has required certain things in the interest of life and health; those things have not been supplied; therefore life and health are in danger. In other words, defendant is seeking to enforce a statutory standard which is at least an approach to an ideal of living conditions rather than the specifications of minimum of what a people engaged in a war can get along with; and the meaning of my holding is that in view of the Federal prohibition of human habitation must be judged as a fact in each case and not asserted as the necessary conclusion from mere failure to comply with that statutory standard.

The state's statutory standard stands upon the statute books capable of enforcement whenever and wherever the Federal prohibition does not interfere, but while the Federal prohibition continues, and in those cases to which it applies, the state's statutory standard remains in suspended animation."

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The court granted an injunction pending trial to determine whether in fact the building is presently "unfit for human habitation and is dangerous to life and health by reason of want of repair." (New York Law Journal, September 8, 1943.)

* * *

Matter of Riker Operating Company, Inc. vs. Martinique Restaurant:—The Riker Company sought to restrain the Martinique Restaurant from maintaining a canopy extending over the sidewalk from the building line to curb, claiming that it interfered with light easement and obstructed the view of their restaurant from prospective customers. At Special Term, Supreme Court, Mr. Justice McGeehan dismissed the complaint but on review by the Appellate Division, First Department, the court reversed Special Term and granted an injunction except for the hours of 9 P.M. to 4 A.M. "Nor can the maintenance of the structure be justified" the court said, "though erected and maintained under municipal permit if it in fact constitutes a public nuisance injurious to the plaintiff. While it is true that the city is vested with the power of control over its streets and may in the public interest, authorize structures which otherwise would be nuisances, it is without power to authorize a structure which is in fact a public nuisance affecting a private right." (Law Report News, July 9, 1943.)

* * *

Matter of Inez Pollard for Estate of Amy Garvin vs. Trivia Building Corp.:—On June, 1940 a window cleaner fell from the window and later died. The owner of the building, a six-story multiple dwelling at 82-02 19th Avenue, Brooklyn, was sued to recover damages for the death, claiming that the owner had not furnished the safety devices required under Section 202 of the Labor Law and by the Industrial Code. At Special Term the action was dismissed by Mr. Justice Koch and his decision was confirmed by the Appellate Division. The Court of Appeals, however, unanimously reversed the judgments below holding that the owner of an apartment house is liable for the death of a window cleaner employed by a tenant who, with consent or knowledge of the owner, washed windows from the outside while sitting on the sill and fell to his death in consequence of the owner's failure to provide safety devices in compliance with Section 202 of the Labor Law and the Industrial Code. The owner is not protected against the operation of the statute by the fact that it posted notices in the hallways of the building warning persons against cleaning windows from the outside. The action being based on violation of the statute contributory negligence is no defense. (N. Y. Law Journal, September 8, 1943.)

Note: Section 202 of the State Labor Law as amended in 1942 now exempts multiple dwellings six stories or less in height. Rules adopted by the Board of Standards and Appeals of the State Labor Department have application to buildings within New York City as included in Section 202 of the Labor Law inasmuch as the Board of Standards and Appeals of the City has not assumed jurisdiction by adopting rules supplementing Section 202 to supersede rules adopted by the State Board.

* * *

Matter of Chotapeg vs. Sylvia M. Bullowa:—The premises are at 1886 Second Avenue, Manhattan. On either side the buildings were removed. A zoning variance was granted by the Board, by order of the Court, to Sylvia M. Bullowa under Cal. Nos. 818 and 819-40-BZ to permit the lots either side to be occupied for parking and storage.

It was claimed by Chotapeg Inc. that when the buildings on either side were removed, the party walls were left without having the beam anchors bent over at the beam ends and without bricking up the open beam holes and that leaks were thereby caused.

Special Term and Appellate Division dismissed the complaint but the Court of Appeals has reversed the lower courts and found that Chotapeg Inc. is entitled to damages. The Court of Appeals cites the requirements of the Administrative Code Sections C26-568.0.a, C26-569 and C26-204.0.b as to the requirements for protection of a party wall when a building at the side is being demolished and also as to the remedies. The Court points out that the remedies therein provided for are not exclusive, and that if the owner of the demolished building does not act and if the City agencies fail to cause the work to be done, still "it does not limit 'protection of adjoining property' to protection by city agencies, nor does it exclude an adjoining property owner from an action for damages which he might properly have upon the statute. 'Civil responsibility and public punishment by common usage have long since been established as appropriate and complementary associates'." "Here, the whole nature and origin of the liability alleged is failure of defendant to follow the mandate of the statute. The statute was for the special benefit of the adjoining property owner and the right to recover damages is necessarily implied." (New York Law Journal, September 17, 1943.)

Note. This decision is important in that it determines that an owner may institute a proceeding for damages even though he may fail to request the Borough Superintendent to require the work to be done or if the Borough Superintendent fails to have it done when so requested in writing (C26-569.0). Formerly there has been doubt whether an owner had such a remedy if he failed to avail himself of the provisions of Section C26-569.0.

DOCKET

New Cases Filed up to October 12, 1943.

- | Cal. No. | Dept. | Premises Affected. |
|-----------|--------|---|
| 478-43-A | H.B.Q. | 42-05 55th drive, north side, 166 ft. west of 43rd street (Block 2518, Lots 58 and 101, Block 2519, Lot 1), Maspeth, Borough of Queens (Under section 35, General City Law—re bed of mapped street—42nd street), N.B. 232-43. |
| 479-43-S | F.D. | 334-336 Flushing avenue, south side, 50 ft. east of Classon avenue (Block 1881, Lot 31), Borough of Brooklyn, 11094-L.F. |
| 480-43-A | F.D. | 2085 Fifth avenue, east side, 84 ft. 11 in. north of East 128th street (Block 1753, Lot 4), Borough of Manhattan, 19347-L.F. |
| 481-43-SM | | Ruberoid Stonewall Board (Asbestos-Cement Board), manufactured by The Ruberoid Company, Material. |
| 482-43-A | H.B.Bx | 1785-1795 Westchester avenue and 1260 St. Lawrence avenue, northeast corner (Block 3786, part of Lot 1), Borough of The Bronx, Alt. 334-43. |
| 483-43-A | H.B.M. | 4446-4450 Broadway, east side, 74 ft. 6 in. south of Fairview avenue (Block 2170, Lot 59), Borough of Manhattan, Amendment to Alt. 802-43. |
| 484-43-S | H.B.B. | 6220-6226 20th avenue, west side, 20 ft. north of 63rd street (Block 5534, Lot 48), Borough of Brooklyn, Alt. 2569-43. |

Restored to Calendar.

- | | | |
|-----------|-----------------|---|
| 304-24-BZ | H.B.B. | 102-112 Montgomery street, south side, 91.6 ft. east of Washington avenue (Block 1192, Lot 30), Borough of Brooklyn, Alt. 2779-43. |
| 677-39-SM | | Penn-Dixie Dark Portland Cement, manufactured by Pennsylvania-Dixie Cement Corporation at Plant No. 4, Nazareth, Pa., Material. |
| 164-43-A | F.D. and H.B.Q. | 45-14 51st street, west side, 100 ft. south of Queens boulevard (Block 1382, Lot 54), Woodside, Borough of Queens, 93237-L.C. and Alt. 2107-42. |
| 379-43-A | H.B.B. | 1642 St. Johns place, south side, 227 ft. west of Ralph avenue (Block 1387, Lot 34), Borough of Brooklyn, re Revocation of Permit 1784-43. |

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

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Concrete Masonry Units, Rules for Manufacture, Testing and Use of	June	24, 1941—Vol. 26, No. 25
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Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

OCTOBER 19, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, October 19, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

404-43-BZ—Application, August 16, 1943, under sections 7c and 21 of the zoning resolution of Charles A. Dunker, applicant on behalf of Taverna Coal Co., owner, to permit in a residence use district, the erection and maintenance of a building to be used as an office and garage for four (4) motor vehicles to be used in conjunction with the existing coal yard on the site; premises 51-67 Mancee avenue, east side, 531.78 ft. south of Amboy road and 52-56 Bayview avenue (Block 6751, Lot 284), Princes Bay, Borough of Richmond.

336-37-BZ—Application of Julius Fishkind, applicant, on behalf of The New York Public Library, owner (Sun Industries, Inc., lessee), reopened September 28, 1943,

as to additional use—sale of used cars, re Application, previously granted on condition, under section 7h of the zoning resolution, permitting in a retail use district, for a temporary term of two years, the parking and storage of more than five motor vehicles; premises 322-328 West 57th street, south side, 275 ft. west of Eighth avenue (Block 1047, Lots 44 and 46), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 19, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday afternoon, October 19, 1943 at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions

191-43-A—15 West 77th street and Central Park West at 79th street (Block 1130, Lot 1), Borough of Manhattan.

148-42-A—5-19 47th avenue, north side, 174.93 ft. east of East 5th street (West avenue); (Block 28, Lot 17), Long Island City, Borough of Queens.

382-43-A—150 Ocean parkway, west side, 395 ft. south of Caton avenue (Block 5328, Lot 30), Borough of Brooklyn.

442-43-A—Re use and marketing of inflammable mixture, known as "Cat's Paw Rubber Cement" in one-gallon tin containers (label on containers not in conformity with Administrative Code requirements).

398-43-A—340 Henry street, west side, from Pacific street to Amity street (1st to 5th floors, inclusive); (Block 290, Lot 14), Borough of Brooklyn.

489-43-A—182-200 Hudson street and 18-26 Vestry street, northeast corner (12th floor); (Block 221, Lot 30), Borough of Manhattan.

440-43-A—43-16 Queens street, west side, 150 ft. south of Jackson avenue (Block 266, Lot 28), Long Island City, Borough of Queens.

Material and Appliance for Approval.

324-43-SM—Richmond One and One-half Hour Flush Metal Clad Kalamein Fire Door in Pairs.

386-43-SA—Security Fire Door Company Type DLS Interlock.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 26, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday afternoon, October 26, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions.

478-43-A—42-02 55th drive, north side, 166 ft. west of 43rd street (Block 2518, Lots 58 and 101 and Block 2519, Lot 1), Maspeth, Borough of Queens (under section 35, General City Law—re bed of mapped street—42nd street).

327-43-A—382 Metropolitan avenue, south side, 118 ft. east of Havemeyer street (Block 2369, Lot 14 and part of Lots 12, 15, 16 and 17), Borough of Brooklyn (re-

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opened and restored to calendar, September 14, 1943; previously dismissed for lack of prosecution).

476-42-A—2553-2563 Atlantic avenue and 30-48 Alabama avenue, northwest corner (Block 3666, Lot 31), Borough of Brooklyn (reopened and restored to calendar, September 14, 1943; previously dismissed for lack of prosecution).

203-43-A—East side of 81st street, north of Ditmars boulevard, Seaplane Hangar No. 2 (Block 926), LaGuardia Field, Jackson Heights, Borough of Queens (reopened September 14, 1943 re amendment of resolution).

319-43-S—515-521 Greenwich street and 309-317 Spring street, northeast corner (2nd and 5th floors); (Block 597, Lot 1), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously dismissed for lack of prosecution).

43-43-A—121-127 West 46th street, north side, 275 ft. west of Sixth avenue (Block 999, Lot 19), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously dismissed for lack of prosecution).

592-42-S—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

593-42-A—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

803-42-A—786 First avenue and 400 East 44th street, southeast corner and north side of East 43rd street, 150 ft. east of First avenue (Block 1355, Lot 7), Borough of Manhattan (reopened September 14, 1943 under new proposal; previously denied).

115-43-S—21-10 49th avenue, southeast corner of 21st street (1st floor); (Block 71, Lot 1), Long Island City, Borough of Queens (reopened September 14, 1943 re amendment of resolution).

Material of Approval.

157-38-SM—Lith-I-Bar Precast Light-Weight Joists (reopened and restored to calendar, March 18, 1941; previously dismissed for lack of prosecution).

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 3, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Wednesday morning, November 3, 1943* at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Zoning Application.

222-43-BZ—Application, May 11, 1943, under section 7h of the zoning resolution, of Arthur Weiser, applicant, on behalf of Bijou Realty Corporation, owner, to permit partly in a residence use and partly in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises west side of Riverdale avenue, 157.01 ft. north of West 232nd street (Block 3409E, Lot 374), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 9, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, November 9, 1943*, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

1051-27-BZ—Application of Lama and Proskauer, applicants, on behalf of Rutland Parkway, Inc., owner (Sinclair Oil Refining Co., lessee), reopened December 1, 1942, under sections 7c and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of an auto laundry (located upon an existing gasoline service station) to a motor vehicle repair shop and, also, the inclusion of parking and storage of more than five motor vehicles; premises 724-740 Ralph avenue and 81-101 East 98th street, northwest corner (Block 3530, Lot 1), Borough of Brooklyn.

198-20-BZ—Application of Henry Nordheim, applicant, on behalf of Maresca Co., Inc., owner, reopened September 14, 1943, under section 7c of the zoning resolution, to permit in a business use district, the inclusion of a motor vehicle repair shop in a public garage—the said public garage was previously granted by the Board; premises 2653 Webster avenue, west side, 151.03 ft. south of East 195th street (Block 3277, Lot 36), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 16, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, November 16, 1943*, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Appeal from Administrative Decision

364-43-A—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 7, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 7, 1943*, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Zoning Application.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

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BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

WEDNESDAY MORNING, OCTOBER 13, 1943

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

The minutes of the regular meetings of the Board held on Tuesday morning, October 5, 1943, and Tuesday afternoon, October 5, 1943, were approved as printed in Bulletin No. 41, Volume 28.

ZONING CASES

198-20-BZ

APPLICANT—Henry Nordheim, for Maresca Co., Inc., owner.

SUBJECT—Application reopened September 14, 1943 (decision of the acting borough superintendent) under section 7c of the zoning resolution, to permit in a business use district, the inclusion of a motor vehicle repair shop in a public garage—the said public garage was previously granted by the Board.

PREMISES AFFECTED—2653 Webster avenue, west side, 151.03 ft. south of East 195th street (Block 3277, Lot 36), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry Nordheim and Miss Maresca.

For Opposition: H. W. Hasenbald, Mary Watkins, Matilda M. Zedler and Kate Meon.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 9, 1943 at 10 A.M., for inspection by a committee of the Board. No further argument.

304-24-BZ

APPLICANT—Koch and Wagner, for E. J. K. Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—(decision of the borough superintendent)—Application, previously granted on condition, under section 7b of the zoning resolution, permitting the extension into a business use district from an unrestricted use district, the erection and maintenance of a garage for the storage of more than five motor vehicles.

PREMISES AFFECTED—101-112 Montgomery street, south side, 91 ft. 6 in. east of Washington avenue (Block 1192, Lot 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: Charles C. Wagner and Henry Yakel.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

323-41-BZ

APPLICANT—Manufacturers Trust Company (as trustee), owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting partly in a residence use and partly in a business use district, the transient parking of more than five motor vehicles.

PREMISES AFFECTED—1709-1729 Surf avenue and 2931-2947 West 19th street, northeast corner (Block 7061, Lots 27, 31 and 36), Borough of Brooklyn.

APPEARANCES—

For Applicant: Frederick E. Winkler and J. Kieran.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Request to reopen, withdrawn on request of applicant's representative.

THE VOTE TO WITHDRAW REQUEST TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

663-42-BZ

APPLICANT—Jacob Beller, for Henrietta Coopersmith, owner.

SUBJECT—Application (decision of the acting borough superintendent) under sections 7e and 21 of the zoning resolution, to permit in a residence use district, for a term of two years, the conversion of occupancy of an existing frame structure, to a stable for more than five horses and also as a riding academy.

PREMISES AFFECTED—90-17 71st avenue and 70-67 to 70-69 Walnut street, northwest corner (Block 3899, Lot 1), Forest Hills, Borough of Queens.

APPEARANCES—

For Applicant: Jacob Beller, Bertha Roland and Henrietta Becker.

For Opposition: Victor D. Borst, Jr.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative 0
Negative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn .. 4

THE RESOLUTION (663-42-BZ)

WHEREAS, Jacob Beller, for Henrietta Coopersmith, owner, filed September 8, 1942, an application under sections 7e and 21 of the zoning resolution, to permit in a residence use district, for a term of two years, the conversion of occupancy of an existing frame structure, to a stable for more than five horses and also as a riding academy; premises: 90-17 71st avenue and 70-67 to 70-79 Walnut street, northwest corner (Block 3899, Lot 1), Forest Hills, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, October 13, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that Walnut street, 71st avenue, 70th drive and Sybilla street are all in a residence use district; and

WHEREAS, the decision of the borough superintendent, re Alt. Applic. 1309-42, dated September 4, 1942, and as amended March 3, 1943, reads:

"1. The change in use of a 2-story building originally erected under NB 3831/16 as a cow stable, to a stable to house more than five horses and a riding academy, located within a Residence-D district is contrary to Art. II Sec. 3 Building Zone Resolution."

and

WHEREAS, the applicant states that the existing building is of frame construction, one and two stories in height, with a frontage of 146 ft. and a depth of 53 ft. and that it is proposed to use the existing frame building for a term of

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two years, as a stable for more than five horses and also as a riding academy; and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that there was no justification for the exercise of its discretion to grant a zoning variance under section 7, subdivision e, and that the applicant failed to substantiate a basis to warrant exercise of discretion to grant under section 21 of the zoning resolution and was therefore not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the borough superintendent, re Alt. Applic. 1309-42, dated September 4, 1942, as amended March 3, 1943, be and it hereby is *affirmed* and that the application be and it hereby is *denied*.

562-32-BZ

APPLICANT—Stanley H. Klein, for Silgreen Holding Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the borough superintendent) previously granted on condition, under section 7f of the zoning resolution, permitting in a business use district, for a term of ten years, the maintenance of a gasoline service station.

PREMISES AFFECTED—208-16 Linden boulevard, southwest corner of Springfield boulevard (Block 3358, Lot 50), St. Albans, Borough of Queens.

APPEARANCES—

For Applicant: Norman Lederer.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (562-32-BZ)

WHEREAS, this application under section 7f of the zoning resolution, permitting in a business use district, the erection and maintenance of a gasoline service station, affecting premises 208-16 Linden boulevard, southwest corner of Springfield boulevard (Block 3358, Lot 50), St. Albans, Borough of Queens, was granted by the Board March 21, 1933, on certain conditions, for a temporary period of five (5) years; the resolution amended November 19, 1940 also extending the permit for ten (10) years; time to obtain permits and complete work extended November 18, 1941, resolution amended April 14, 1942 and time extended on October 14, 1942; and

WHEREAS, the applicant requested a further extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted March 21, 1933, as amended through October 14, 1942, only so far as it has reference to obtaining permits and completion of the work, so that as amended this portion shall read:

"that all permits required shall be obtained and all work completed within one year from the date of this *amended* resolution."

364-36-BZ

APPLICANT—Oswald Fischer, for Peter T. Becker, lessee, for John A. Petrullo, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the commissioner of buildings) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, the parking and storage of more than five motor vehicles for a temporary term of years.

PREMISES AFFECTED—31-64 to 31-86 31st street, west side, 100 ft. north of Broadway (Block 589, part of Lot 9), Astoria, Borough of Queens.

APPEARANCES—

For Applicant: Oswald Fischer.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (364-36-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district, the parking and storage of more than five motor vehicles, affecting premises 31-64 to 31-86 31st street, west side of 31st street, 100 ft. north of Broadway (Block 589, part of Lot 9), Astoria, Borough of Queens, was granted by the Board July 16, 1937, on certain conditions, permit extended October 17, 1938, October 28, 1941, time extended on January 13, 1942 and March 31, 1942; and

WHEREAS, the owner requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 16, 1937, as amended through resolutions of March 31, 1942, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h for a term of two (2) years from the date of this *amended* resolution, to permit . . ."

306-37-BZ

APPLICANT—Charles J. Johnson, for Estate of Mary E. O'Keefe and Mary E. Curry, et al, owners.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the commissioner of buildings) previously granted on condition, under section 7h of the zoning resolution, permitting in a retail use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—238-242 West 50th street, south side, 125 ft. east of Eighth avenue (Block 1021, Lots 57, 58 and 59), Borough of Manhattan.

APPEARANCES—

For Applicant: Osborne A. McKegney.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (306-37-BZ)

WHEREAS, this application, under section 7h of the zoning resolution, permitting in a retail use district, the parking and storage of more than five motor vehicles, affecting premises 238-242 West 50th street, south side, 125 ft. east of Eighth avenue (Block 1021, Lots 57, 58 and 59), Borough of Manhattan, was granted by the Board October 26, 1937 for a period of two (2) years, on certain conditions; the permit extended October 10, 1939 and October 21, 1941; and

WHEREAS, the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of October 26, 1937, as amended through October 21, 1941, only in so far as it has

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reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h, to permit on lots 57 and 59 the parking and storage of more than five (5) motor vehicles for a term of two (2) years from the date of this *amended* resolution, and to permit the unoccupied rear portion of lot 58 to be used in conjunction therewith for the same use *on condition* . . ."

904-38-BZ

APPLICANT—Harry Annabel, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a temporary term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—89-11 168th place, east side, 100 ft. south of 89th avenue (Block 9801, Lots 46 and 47), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Harry Annabel.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (904-38-BZ)

WHEREAS, this application under section 7h of the zoning resolution permitting in a business use district for a temporary period of two years, the parking and storage of more than five motor vehicles, affecting premises 89-11 168th place, east side, 100 ft. south of 89th avenue (Block 9801, Lots 46 and 47), Jamaica, Borough of Queens, was granted by the Board September 19, 1939, on certain conditions, permit extended on September 23, 1941 and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of September 19, 1939, as amended on September 23, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h, for a term of two (2) years from the date of this *amended* resolution, to permit the unbuilt upon portion of the plot to be occupied for the parking and storage of more than five (5) motor vehicles, *on condition* . . ."

1177-40-BZ

APPLICANT—Frances Stabile, lessee (Rose Cummins and Joedbur Realty Corporation, owners).

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, for a temporary term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—1165-1175 Gates avenue, north side, 124 ft. west of Evergreen avenue (Block 3331, Lots 24, 25, 26 and 29), Borough of Brooklyn.

APPEARANCES—

For Applicant: Frances Stabile.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (1177-40-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a temporary term, the parking and storage of more than five motor vehicles, affecting premises, 1165-1175 Gates avenue, north side, 124 ft. west of Evergreen avenue (Block 3331, Lots 24, 25, 26 and 29), Borough of Brooklyn, was granted by the Board on October 15, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of October 15, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h for a term of two (2) years from the date of this *amended* resolution, to permit . . ."

145-41-BZ

APPLICANT—Lama and Proskauer, for Estate of Georgiana Van Nostrand, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—88-01 169th street, southeast corner of 88th avenue (Block 9823, Lot 9), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (145-41-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district, for a temporary period of two years, the parking and storage of more than five motor vehicles, affecting premises 88-01 169th street, southeast corner of 88th avenue (Block 9823, Lot 9), Jamaica, Borough of Queens, was granted by the Board July 1, 1941, on certain conditions, time extended on September 16, 1941 and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 1, 1941, as amended on September 16, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h, to permit the premises where unbuilt upon, to be occupied for the parking and storage of more than five (5) motor vehicles for a term of two (2) years from the date of this *amended* resolution, *on condition* . . ."

259-41-BZ

APPLICANT—Lama and Proskauer, for Lena Maria Rasch, owner (William Aaron and Leo Goldberger, lessees).

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

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PREMISES AFFECTED—447-469 Euclid avenue, east side, 100 ft. north of Pitkin avenue (Block 4214, part of Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (259-41-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a temporary term of two years, the parking and storage of more than five motor vehicles, affecting premises 447-469 Euclid avenue, east side, 100 ft. north of Pitkin avenue (Block 4214, part of Lot 1), Borough of Brooklyn, was granted by the Board on October 21, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of October 21, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h for a term of two (2) years from the date of this amended resolution, to permit . . ."

Adjourned: 11:45 A.M.

JOSEPH J. DOYLE, Chief Clerk.

REGULAR MEETING

WEDNESDAY AFTERNOON, OCTOBER 13, 1943

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

APPEALS FROM ADMINISTRATIVE DECISIONS

382-43-A

APPLICANT—Edmund L. Palmieri, Executor of Estate of John Palmieri, deceased owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—150 Ocean parkway, west side, 395 ft. south of Caton avenue (Block 5328, Lot 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: Frank A. Barrera, Alfred A. Lama, Arthur Pomerant and Adria Palmieri.

For Opposition: Harry Levine.

For Administration: Henry Phoney and Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to October 19, 1943 at 2 P.M. for further consideration by the Board.

837-42-A

APPLICANT—Sidney H. Kitzler, for Manny Fleisher, owner (Prince Lacquer and Chemical Co., Inc., lessee).

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from a decision of the fire commissioner (previously granted on condition re decision of the borough superintendent).

PREMISES AFFECTED—413-419 Kent avenue and 27-35 South 8th street, northeast corner (Block 2129, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Request to reopen, withdrawn on written request of applicant.

THE VOTE TO WITHDRAW REQUEST TO REOPEN—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

379-43-A

APPLICANT—Seelig and Finkelstein, for Derian Realty Corporation, adjoining owner.

OWNER OF PREMISES—Rose Lipstein.

SUBJECT—Application for consideration—reopening and restoration to calendar—Appeal from a decision of the borough superintendent re revocation of Alt. Application 1943-43 and Permit 1784-43.

PREMISES AFFECTED—1642 St. Johns place, south side, 227 ft. west of Ralph avenue (Block 1387, Lot 34), Borough of Brooklyn.

APPEARANCES—

For Applicant: Henry Finkelstein.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and restored to the calendar.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

615-42-A

APPLICANT—Iceland Restaurant Corporation (lessee), for Trustees of Columbia University, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1680 Broadway, east side, 104 ft. south of West 53rd street (Block 1024, Lot 38), Borough of Manhattan.

APPEARANCES—

For Applicant: Dean Ramey.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioner

Blum and Deputy Chief Gunn... 3

Absent: Commissioner Savage..... 1

THE RESOLUTION (615-42-A)

WHEREAS, Iceland Restaurant Corporation, for Trustees of Columbia University, owner, filed August 11, 1942, an appeal from a decision of the borough superintendent, affecting premises 1680 Broadway, east side, 104 ft. south of West 53rd street (Block 1024, Lot 38), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated July 24, 1942 on E. S. Applic. 408-42 reads:

"With reference to Electric Sign application 408-1942 for the erection of an illuminated sign attached to the marquee at the above premises, please be advised that same is disapproved being contrary to Section C26-219.0, subdivision (g) of the Administrative Code, which precludes the use of combustible material in any

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part of the marquee, and also Section B26-7.0, subdivision (g) of the Administrative Code, which precludes signs above or below the marquee."

and

WHEREAS, the applicant states that the building is 4 stories and penthouse (48 ft.) in height, 126 ft. $\frac{1}{2}$ in. by 195 ft. $2\frac{3}{4}$ in. in area, of Class 1 construction, located in a retail-1 use district, erected in 1924 and used as follows: cellar—restaurant—750 persons; 1st floor—restaurant and dining—1,300 persons; 2nd floor—offices—100 persons; 3rd floor—restaurant, bowling and billiard room—180 persons; 4th floor—restaurant, bowling and billiard room—180 persons; mezzanine—restaurant—200 persons; penthouse—offices—50 persons; and

WHEREAS, the applicant contends that the sign is not constructed of combustible material in violation of C26-219.0, sub. (g), but on the contrary is constructed of steel and a specially treated fireproof heavy duck canvas; that the sign is not attached to the marquee over the entrance of 1680 Broadway in violation of section B26-7.0, g, but is so constructed that it forms a part of the marquee; that the decision of the borough superintendent is extremely harsh and unconscionable at this time, for the reason that black-out regulations are such that if the applicant is compelled to remove the sign, the entrance leading to the premises will be without any illumination whatever and the applicant will be without adequate means of identifying its business; that the marquee itself is approximately 16 ft. above the sidewalk, 6 ft. wide by 18 ft. in depth with electric lights on the under side and was originally constructed so that any tenant of the premises could add side pieces or an apron on each side so as to deflect the light downward and to designate the tenant's business; that prior to the dimout regulations, the marquee was maintained in a fully lighted condition, but after the dimout regulations were in force, it was necessary to extinguish all outside lighting, with the result that the only lights which now appear in the marquee are those on the underside thereof, which lights are deflected downward by the sign as it is now constructed; that if the sign is removed there will be no means of deflecting the lighting downward with the result that the entrance to the applicant's premises will be in total darkness; and

WHEREAS, the premises were inspected by a committee of the Board.

Resolved, that the decision of the borough superintendent, acting on E. S. Applic. 408-42, be and it hereby is *affirmed* and that the appeal be and it hereby is *denied*.

383-43-A

APPLICANT—John J. Morro, for Zone Oil Corporation, owner.

SUBJECT—Appeal from orders and a decision of the fire commissioner re: Transportation of fuel oil (lighter than Nos. 5 and 6) in Tank Trucks (capacity of tanks not in conformity with Administrative Code Specifications covering Tank Trucks) in New York City.

APPEARANCES—

For Applicant: John J. Morro.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioner Blum and Deputy Chief Gunn 3
Negative 0
Absent: Commissioner Savage 1

THE RESOLUTION (383-43-A)

WHEREAS, John J. Morro, for Zone Oil Trucking Corporation, owner, filed on July 29, 1943, an appeal from orders and a decision of the fire commissioner, relating to the transportation of No. 2 fuel oil in trucks having compartments in excess of 600 gallons capacity; and

WHEREAS, Order 34727-C, issued by the fire commissioner July 1, 1943, affecting applicant's trailer No. 514-515, reads:

"Surrender to bearer fire department permit No. 6341 together with cab slip and plate dated to expire July 1, 1943 which is hereby revoked and forthwith discontinue the use of this vehicle.

REASON: This permit was issued in connection with your application to transport or deliver petroleum or shale oil or the liquid products of either, or coal tar as required by law and regulations of this department; and

WHEREAS, an inspection discloses that this equipment is used for transportation of No. 2 fuel oil in two 2000 gallon compartments making a cargo of 4000 gallons.

This permit was issued for the transportation of heavy oil No. 5 and No. 6 only."

and

WHEREAS, Order No. 34728-C, issued by the fire commissioner July 1, 1943, relating to applicant's tractor No. 548-549, reads:

"Surrender to bearer fire department permit No. 5354 together with cab slip and plate dated to expire July 1, 1943 which is hereby revoked and forthwith discontinue the use of this vehicle.

REASON: This permit was issued in connection with your application to transport or deliver petroleum, or shale oil, or liquid products of either or coal tar as required by law and regulations of this department; and

WHEREAS, an inspection discloses that this equipment is used for transportation of No. 2 fuel oil in two 2000 gallon compartments making a cargo of 4000 gallons.

NOTE: This permit was issued for transportation of heavy oils No. 5 and No. 6 only."

and

WHEREAS, the decision of the fire commissioner dated September 29, 1943 reads:

"In reply to your letter of September 28th, wherein you make request to transport fuel oils lighter than Grade 5 and 6, in the 4000-gallon semi-trailers itemized below:

Tractor No.	Trailer No.	Fire Dept. Folder No.	Permit No.
500	501	5001-2844	9991
502	503	5001-2845	9992
504	505	5001-2858	9993
506	507	5001-2859	9979
508	509	5001-2874	9978
510	511	5001-2873	10183
512	513	5001-2888	10179
516	517	5001-2937	10334
518	519	5001-2938	8763
520	521	5001-2962	8762
522	523	5001-3913	10176
524	525	5001-3953	8754
528	529	5001-4173	8888
530	531	5001-4163	8891
532	533	5001-4167	8889
534	535	5001-4166	8890
536	537	5001-4171	10175
538	539	5001-4164	8752
540	541	5001-4172	8758
542	543	5001-4168	8755
544	545	5001-4169	8757
546	547	5001-4174	8753
550	551	5001-4170	8756

Please be advised that such equipment would not comply with Sections 4-1 and 4-2 of the Fire Department Specifications governing the transportation of fuel oils. Your request therefore is denied."

and

WHEREAS, the applicant states that the trucks in question are stored at No. 26 Bridgewater street, Brooklyn; and

MINUTES

WHEREAS, the applicant further states that tractor trailer No. 514-515 covered by Fire Dept. Permit 6341 (order 34727-C) is constructed with two 2,000 gallon compartments baffled internally to divide the load into 1,000 gallon sections; and

WHEREAS, the applicant further states that tractor trailer No. 548-549, covered by Fire Dept. Permit 5354 (Order 34728-C) is constructed with two, 1,000 gallon compartments, and one 2,000 gallon compartment, and that the 2,000 gallon compartment is divided by baffle plates into sections of not over 1,000 gallons capacity; and

WHEREAS, the trucks referred to in the decision of the fire commissioner dated September 29, 1943 are similar in construction to the trucks referred to in Order 34727-C and 34728-C; and

WHEREAS, the applicant contends that due to the present man power shortage, it is necessary to have every possible means utilized to save trucking mileage and time; that the owner is delivering Diesel oil and fuel oil to the armed services; that if the Board grants permission to use the trucks in question for this purpose, it will result in speedier delivery, a saving in man-power, a saving in gasoline and rubber; that the trucks, which are the subject of this appeal, have been designed to maintain an extremely high safety factor; that the overall length of tractors and trailers is 27 ft. 4 in. and the width is 8 ft.; that these trucks are safer for street operation and have proven themselves better adapted to city traffic conditions than any average 2,500 gallon tank wagon of conventional design used today; that these trucks have been equipped by the manufacturer with additional safety factors, as indicated on drawings filed with this appeal.

Resolved, that the decisions of the fire commissioner, dated September 29, 1943, as expressed in Orders 34727-C and 34728-C of the fire commissioner, be and they hereby are *modified* and that the appeal be and it hereby is *granted on condition* that the trucks as listed shall not be employed except for transporting diesel and No. 2 oil and only for government contracts, as described in applicant's letter of July 30, 1943; that the flashpoint of such diesel and No. 2 oils shall be not less than 150° F.; that otherwise, the trucks shall be employed only for transportation of oil or petroleum products as are permitted under the rules of the fire commissioner; that the trucks shall be maintained to the satisfaction of the fire commissioner and shall comply with the rules in all other respects; that this variance shall continue only during the term of the present emergency.

389-43-A

APPLICANT—The New Yorker Hotel Corporation, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—481-497 Eighth avenue, west side from west 34th to West 35th street, 301-307 West 34th street and 300-320 West 35th street (Block 758, Lot 37), Borough of Manhattan.

APPEARANCES—

For Applicant—Allen Rogou and M. C. Lappery.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioner Blum and Deputy Chief Gunn.....	3
Negative	0
Absent: Commissioner Savage.....	1

THE RESOLUTION (389-43-A)

WHEREAS, The New Yorker Hotel Corporation, owner, filed August 4, 1943, an appeal from an order and decision of the fire commissioner, affecting premises 481-497 Eighth avenue, west side, from West 34th to West 35th streets, 301-307 West 34th street and 300-320 West 35th street (Block 758, Lot 37), Borough of Manhattan; and

WHEREAS, Order 18002-LF issued by the fire commissioner, May 20, 1943, reads:

“YOU ARE HEREBY ORDERED AND REQUIRED, within 30 days from the date of the service of this order, to:

1. Place existing watchmans time detector system in proper working order and comply with the following:

(a) Have watchman patrol all portions of the premises and record his movements at each station. Tours or rounds are to be made once every two hours beginning at 6 P.M., and continuing until the day staff have resumed their duties. Used dials are to be kept on file at the premises so that same can be inspected by this Department. C19-487e-2.0-c-2, Adm. Code.”

and

WHEREAS, the decision of the fire commissioner, dated July 22, 1943, reads:

“In reply to your letter of June 22nd, 1943 you are advised that the request for partial rescindment of Order 18002-LF, although regrettable, is denied.

The regulations governing the hours that the watchman shall patrol the premises were published in the Bulletin of the Board of Standards and Appeals, Volume 2, Number 14 dated April 5th, 1917.

The Fire Dept. does not have the authority to waive the requirements.

As suggested in the letter of May 6, 1943, you may present your case to the Board of Standards and Appeals for a decision.”

and

WHEREAS, the applicant states the building is 41 stories, (420 ft.) in height, 197.5 ft. by 175 ft. in area; Class 1 construction; erected in 1929; located in a retail use district; equipped with sprinkler and standpipe systems; occupied as a hotel, for which Certificate of Occupancy 15945 was issued December 28, 1929; and

WHEREAS, the applicant contends that a full staff is employed from 7 A.M. to 12 midnight and there is therefore no reason for the watchman's tours to begin at 6 P.M.; that the present practice is to have tours or rounds made once every hour beginning at midnight and continuing until 8 A.M.; that all floors are adequately covered by maids, housemen, bellmen and supervisors; that there are constantly, two maids on each floor from 6 P.M. to midnight as well as housemen and repair men; that there is no occasion for watchmen's tours or rounds to begin prior to 12 midnight or 11 P.M. instead of 6 P.M., as required by the order.

Resolved, that Order 18002-LF of the fire commissioner be and it hereby is *modified*, as to Objection 1, and that the appeal be and it hereby is *granted on condition* that the building and occupancy shall in all other respects, comply with all laws, rules and regulations applicable thereto and that the Watchmen's Rules as certified as rules of the Board by the Corporation Counsel and as published in the Bulletin of the Board, Vol. 2, No. 4, April 5, 1917, shall be complied with in all respects, except that the watchmen's service may commence at 12 midnight instead of 6 P.M.

421-43-S

APPLICANT—Charles A. Cohen, for 37-43 Greene Street Corporation, owner (Well-Made Doll Co., lessee).

SUBJECT—Variation of the labor law as cited in an order and a decision of the fire commissioner.

PREMISES AFFECTED—37-43 Greene street, west side, 65 ft. north of Grand street (Block 475, Lot 53), Borough of Manhattan.

APPEARANCES—

For Applicant: Charles A. Cohen.

ACTION OF BOARD—Application granted on condition.

MINUTES

THE VOTE—

Affirmative: Chairman Murdock, Commissioner
Blum and Deputy Chief Gunn..... 3
Negative 0
Absent: Commissioner Savage 1

THE RESOLUTION (421-43-S)

WHEREAS, Charles A. Cohen, for 37-43 Greene Street Corporation, owner (Well-Made Doll Company, lessee), filed August 16, 1943, an application for variation of the requirements of the Labor Law as cited in an order and decisions of the fire commissioner, affecting premises 37-43 Greene street, west side, 65 ft. north of Grand street (Block 475, Lot 53), Borough of Manhattan; and

WHEREAS, Order 16177-LF, issued by the fire commissioner October 16, 1942, reads:

"1. Place existing interior fire alarm system in proper working order and comply with the following:

A. Replace gongs and stations, and stations that were removed on 3rd, 4th, 5th stories.

B. Replace conduit and wiring that was removed between 3rd and 6th stories.

C. Replace all missing instruction cards at all stations throughout premises. Sec. 279 of the Labor Law."

and

WHEREAS, the decision of the fire commissioner dated May 12, 1943, reads:

"In reply to your letter in reference to the omission of the booster pump in connection with the wet automatic sprinkler system, you are advised as follows:

This department is without authority to hold this requirement of the Administrative Code in abeyance.

You may submit the matter to the Board of Standards and Appeals with proof of the existing static pressure on the top story sprinkler heads."

and

WHEREAS, the decision of the fire commissioner dated July 20, 1943, reads:

"In reply to your letter of 6/15/43, in which a request is made for reconsideration of the above mentioned order, you are advised that the request is denied.

Therefore, it is the opinion of this Department that the order applies, and that the interior fire alarm system should be placed in proper working order forthwith."

and

WHEREAS, the applicant states the building is 6 stories (82 ft.) in height, 86.10 ft. by 93 ft. in area at first floor, 86.10 ft. by 84 ft. in area at typical floor; of Class 3 construction; erected 1883; located in an unrestricted use district, used and occupied as follows: Cellar, dead storage, no persons; 1st floor, packing and examining, 15 persons; 2nd floor, office, cutting and operating, 15 persons; 3rd floor, stuffing dolls, 15 persons; 4th floor, assembling, 15 persons; 5th floor, finishing, 15 persons; 6th floor, pressing, 15 persons; that the building is equipped with a one source sprinkler system and two interior fire retarded stairs leading from top story directly to the street and equipped with self-closing fireproof doors and one fire escape at front which leads from top balcony to roof by ladder and to street by drop ladder; and

WHEREAS, the applicant contends that sprinkler system has been installed, supplying 14½ lbs. pressure at the highest sprinkler head; that the installation of the fire alarm system, as ordered by the fire commissioner, would not be necessary if this sprinkler system had a pressure of 15 lbs. at the highest head; that the existing sprinkler system has been approved by the New York Fire Insurance Exchange; that an automatic pump connected to the sprinkler system to supply the required additional one-half lb. pressure is not obtainable, due to priorities and it is therefore requested that the Board permit the acceptance of the

existing sprinkler system with 14½ lbs. pressure at the top riser, to be accepted by the fire commissioner in lieu of the installation of a fire alarm system under section 279 of the Labor Law.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the requirements of the labor law, as cited in the decision of the fire commissioner, dated July 20, 1943, and that the application be and it hereby is *granted on condition* that the sprinkler system shall comply with all the requirements therefor, except that the pressure at the highest head shall be not less than 14½ pounds as certified by the New York Fire Insurance Exchange; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

447-43-A

APPLICANT—Peter J. Schlitz, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—113-44 208th street, northwest corner of 114th (Murdock) avenue (Block 11003, rear of Lot 173), St. Albans, Borough of Queens.

APPEARANCES—

For Applicant: Peter J. Schlitz.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioner
Blum and Deputy Chief Gunn..... 3

Negative 0

Absent: Commissioner Savage 1

THE RESOLUTION (447-43-A)

WHEREAS, Peter J. Schlitz, owner, filed September 17, 1943, an appeal from a decision of the acting borough superintendent, affecting premises 113-44 208th street, northwest corner of 114th (Murdock) avenue (Block 11003, rear of Lot 173), St. Albans, Borough of Queens; and

WHEREAS, the decision of the acting borough superintendent dated September 16, 1943, on N. B. Applic. 3528-39 reads:

"1. The erection of frame building within the fire limits is contrary to Sec. 4.1.2. B.C."

and

WHEREAS, the applicant states the lot is 27.5 ft. by 100 ft. deep, located in a business use, D area, district, upon which there exists a frame building erected in 1929 at the front of the lot and the building in question, which is one story in height, 18 ft. by 18 ft. in area; Class 4 construction; erected in 1939 and used as a 2-car accessory garage in connection with the one family dwelling on the same lot; and

WHEREAS, the applicant contends that in 1939 he contracted for the erection of the garage in question; the contractor was to secure all permits, comply with all laws; that not until September, 1943, upon the receipt of violation 2301-43, did the owner know the garage was not in compliance with law; that it would be a great hardship to have to raze this building and erect a Class 3 garage; and

WHEREAS, Violation 2301-43 dated September 14, 1943, was for erecting 2-car garage without a permit; not obtaining cross side walk permit; no gutters or leaders installed; occupying garage without a Certificate of Occupancy; and

WHEREAS, examination of N. B. Applic. 3528-39, filed with the borough superintendent, indicates that the garage in question is 18 ft. by 18 ft. in area, 1 story in height, constructed of 2 in. by 4 in. wood studs on a concrete foundation, surfaced on the exterior with novelty siding; roof surfaced with asphalt shingles and located 2 feet from the northerly and westerly lot line.

MINUTES

Resolved, that the decision of the acting borough superintendent, on N. B. Applic. 3528-39, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the accessory garage shall be maintained as proposed and occupied only as accessory to the residence on the plot and shall comply in all other respects with the requirements for a similar accessory garage when constructed outside the fire limits.

687-18-S

APPLICANT—John J. Gilmartin, for Ocean Beach Realty Corp., owner (Charles F. Noyes Company, Inc., agent).

SUBJECT—Application for consideration—reopening and amendment of resolution—Variation of the labor law as cited in decision of the borough superintendent.

PREMISES AFFECTED—35-37 West 3rd street, north side, 60 ft. east of Wooster street (Block 535, Lots 3 and 5), Borough of Manhattan.

APPEARANCES—

For Applicant: John J. Gilmartin.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (687-18-S)

WHEREAS, this application from a decision of the borough superintendent, affecting premises 35-37 West 3rd street, north side, 60 ft. east of Wooster street (Block 535, Lots 3 and 5), Borough of Manhattan, was granted by the Board on July 23, 1918, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted July 23, 1918, by adding thereto:

"that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as *modified* by the Board under Cal. 74-26-S, as amended October 13, 1943."

74-26-S

APPLICANT—John J. Gilmartin, for Ocean Beach Realty Corp., owner (Charles F. Noyes Company, Inc., agent).

SUBJECT—Application for consideration—reopening and amendment of resolution—Variation of the labor law as cited in a decision of borough superintendent.

PREMISES AFFECTED—35-37 West 3rd street, north side, 60 ft. east of Wooster street (Block 535, Lots 3 and 5), Borough of Manhattan.

APPEARANCES—For Applicant: John J. Gilmartin.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (74-26-S)

WHEREAS, this application from decision of the borough superintendent, affecting premises 35-37 West 3rd street, north side, 60 ft. east of Wooster street (Block 535, Lots 3 and 5), Borough of Manhattan, was granted by the Board

on May 25, 1926, on certain conditions, resolution amended on April 6, 1937 and the applicant requested a further amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted May 25, 1926, and as amended by the Board by resolution adopted April 6, 1937, by adding thereto:

"that in the event the owner desires to discontinue all the openings in the wall separating the two portions of the building on the several floors, the requirements of this resolution may still be deemed applicable, provided the resolution is complied with in all other respects and the building and occupancy complies with all laws, rules and regulations applicable thereto other than as herein modified."

209-40-A

APPLICANT—George D. Scott of Astoria Automatic Sprinkler Co., for B. Gertz, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from an order of the fire commissioner and a decision of the acting borough superintendent (previously granted on condition re order of the fire commissioner).

PREMISES AFFECTED—92-17 to 92-23 Union Hall street, east side, 175 ft. south of Jamaica avenue (Block 10102, part of Lot 74), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George D. Scott.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (209-40-A)

WHEREAS, this appeal from an order of the fire commissioner, affecting premises 92-17 to 92-23 Union Hall street, east side, 175 ft. south of Jamaica avenue (Block 10102, part of Lot 74), Jamaica, Borough of Queens, was granted by the Board on July 2, 1940, on certain conditions; and

WHEREAS, the applicant requested an amendment of the resolution, based on a decision of the borough superintendent, re Misc. Applic. 10751-1940, dated August 4, 1943, which reads:

"1. The proposed extension of sprinkler system is at variance with the resolution of the Board, Calendar 209-40-A. Not further considered."

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted July 2, 1940, so that as amended the resolution shall read:

"*Resolved*, that the order of the fire commissioner, 4142-F, Objection 2, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that there shall be installed throughout the entire cellar, as indicated on revised plans marked 'Received September 28, 1943', including all cellar spaces occupied by Gertz Department store or others, a sprinkler system complying with the requirements of the Building Code therefor, except that said sprinkler system may be one source with heads pendant, connected from the street water supply of this building or the adjoining building under the same control, provided such source is not less than two inches in diameter and that the two-inch line may be increased to four inches at the alarm valve, and that such 4-inch alarm valve may be accepted as in compliance with the requirements, provided the system is connected to fire headquarters through a central station."

MINUTES

164-43-A

APPLICANT—C. Grant Keck, for C. Grant Keck and John Jaros, owners (York Ice Machinery Co., lessee).

SUBJECT—Application for consideration—reopening and restoration to calendar—Appeal from an order of the fire commissioner and a decision of the acting borough superintendent.

PREMISES AFFECTED—45-14 51st street, west side, 100 ft. south of Queens boulevard (Block 1382, Lot 54), Woodside, Borough of Queens.

APPEARANCES—
For Applicant: C. Grant Keck and A. L. Garber.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and restored to the calendar and granted on condition.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE VOTE TO GRANT—
Affirmative: Chairman Murdock, Commissioner Blum and Deputy Chief Gunn 3
Negative 0
Not Voting: Commissioner Savage 1

THE RESOLUTION (164-43-A)

WHEREAS, C. Grant Keck, for C. Grant Keck and John Jaros, owners (York Ice Machinery Co., lessee), filed on April 7, 1943 an appeal from an order of the fire commissioner and a decision of the borough superintendent, affecting premises 45-14 51st street, west side, 150 ft. south of Queens boulevard (Block 1382, Lot 54), Woodside, Borough of Queens; and

WHEREAS, this appeal was withdrawn on June 8, 1943 and the applicant requested that the case be reopened and restored to the calendar; and

WHEREAS, order 93237-LC, issued by the fire commissioner, March 9, 1943 reads:

"You are hereby notified that an inspection of the above premises used to store inflammable mixtures, shows that the following must be done before the permit requested by you can be issued:

1. Remove from the premises and discontinue the further storage and use of the inflammable mixtures, (cork covering cement, vitalic cement and seam filler) which is not manufactured under a permit or Certificate of Approval issued by the Fire Commissioner. C19-58, Adm. Code."

and
WHEREAS, the decision of the borough superintendent dated March 19, 1943 on Alt. Applic. 2107-42 reads:

"1. Building is without an approved sprinkler system as required by approved plans of N. B. 14473-27. To obtain a new C. O. for a warehouse an approved sprinkler system would have to be installed."

and
WHEREAS, the applicant states that the building is 1 story (13½ ft.) in height, 149 ft. by 100 ft. in area, of class 3 construction, erected in 1927, located in an unrestricted use district and used as a garage and warehouse for the storage of metal refrigerating machinery—3 persons; and

WHEREAS, Certificate of Occupancy 34948, issued February 22, 1928, on N. B. Applic. 14473-27, permitted the use of the building for a public garage; and

WHEREAS, the applicant states that Item 6 of Fire Department Order 93237-LC served on the lessee of the building in question required that a certificate of occupancy be obtained permitting the use of the premises for a storage warehouse; that in an attempt to comply with this requirement, Alteration Application 2107-42, was filed with the

borough superintendent for the purpose of obtaining a certificate of occupancy, to permit the use of the building as a warehouse; that the existing certificate of occupancy 34948, issued in 1928, upon the completion of new building 14473/27, permitted the use of the building as a public garage; and

WHEREAS, the applicant contends as to Objection 1, issued by the borough superintendent March 19, 1943, on alteration application 2107-42, that the building plan approved in New Building Applic. 14473-27, showed the building to be of the same height and area as it exists today; that this condition was accepted by the Building Department at that time, based on a notation on the plans that the building would be equipped with a sprinkler system; that the sprinkler system was not installed; that nevertheless, the inspector signed off the job as completed, in accordance with the approved plans and the certificate of occupancy issued; that the present owners purchased the building in reliance of such certificate of occupancy and should not now be compelled to install a sprinkler system, especially in view of the fact that the present application is for a less hazardous use than that originally permitted by the borough superintendent; that if, at the time the inspector signed off the job as being completed, he had acted properly and issued a violation or refused to sign the job off due to the omission of the sprinkler system, the then owner might have very properly filed an amendment to omit the sprinkler system, received an objection from the borough superintendent due to the slight excess in area and filed an appeal and received a variance permitting the issuance of the certificate of occupancy and thus the new owner should not now be requested by the borough superintendent to install a sprinkler system in order to change the use, even to a less hazardous use; and

WHEREAS, is it contended as to item 1 of the Fire Commissioner's order, that the present lessee has been located for twenty years in Brooklyn under a permit from the Fire Department and has carried lubricating oils and refrigerants in such premises, similar to those stored in the building in question; that it is merely proposed to transfer this permit from the Brooklyn address to the building in question; that the cork covering cement, vitalic cement and seam filler referred to in the Fire Department order are stored in small quantities under such conditions as to minimize the hazard involved; that the following is a list of the combustible and inflammable mixtures stored on the premises and a description of the manner in which they are stored:

<i>Ammonia Compressor Lubricating Oil — Ammonia</i>	
2 gal. tin cans	100 lbs. steel cyls.
3 gal. tin cans	
5 gal. tin cans	
10 gal. tin cans	
30 gal. tin cans	
55 gal. tin cans	
<i>Carbon Dioxide Compressor Lubricating Oil</i>	
30 gallon steel drums	
50 gallon steel drums	
<i>Freon Compressor Lubricating Oil Freon-12</i>	
1 Gal. tin cans	25 lb. steel cylinders
5 Gal. tin cans	145 lb. steel cylinders
10 Gal. tin cans	
55 Gal. steel drums	
<i>Oxygen—244 cubic feet.</i>	
<i>Acetylene—232 cubic feet.</i>	
<i>Nitrogen—224 cubic feet.</i>	

that in view of these facts, it is requested that the Board grant a variation of the requirements of the Administrative Building Code, so as to permit the continuance of the building in question for warehouse use, as indicated on application 2107-42 filed with the borough superintendent for the duration of the existing lease which expires May 15, 1947; and

MINUTES

WHEREAS, inspection indicates that the building is equipped with a 1½ inch standpipe system.

Resolved, that the decision of the borough superintendent, acting on Alt. Applic. 2107-42, objection 1, and order 93237-LC of the fire commissioner be and they hereby are *modified* and that the appeal be and it hereby is *granted on condition* that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that no material shall be stored on the premises that is deemed extra-hazardous by the fire commissioner; that the 1½ inch standpipe system now installed, shall be maintained; that such additional fire-fighting appliances shall be maintained as the fire commissioner shall direct; that this variance shall continue only so long as the building is occupied as proposed and in accordance with this resolution; and that in all other respects, it complies with all laws, rules and regulations applicable thereto.

264-43-S

APPLICANT—Rosenberg Brothers, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—165 West 10th street, north side, 31 ft. 5/8 in. east of Seventh avenue (Block 611, Lot 33), Borough of Manhattan.

APPEARANCES—

For Applicant: Abraham Rosenberg.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (264-43-S)

WHEREAS, this application from a decision of the borough superintendent, affecting premises 165 West 10th street, north side, 31 ft. 5/8 in. east of Seventh avenue (Block 611, Lot 33), Borough of Manhattan, was granted by the Board on June 8, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted on June 8, 1943, so far as it has reference to the sprinkler system, so that as amended, the resolution shall read:

"Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law, as cited in a decision of the borough superintendent, acting on Alt. Applic. 456-43, Objection 1, and that the application be and it hereby is *granted on condition* that the primary means of exit shall be maintained substantially as shown on plans filed with the borough superintendent, marked 'Received May 28, 1943'; with enclosure as shown and with scuttle and iron ladder leading to the roof and that in lieu of a second means of exit, a fire escape balcony and counter-balanced drop ladder to street may be constructed on the West 10th street side, provided the door from the first story to West 10th street is of construction approved for a 3-hour test; that a gooseneck ladder, to roof from such balcony, shall be maintained; that the building shall be protected throughout with a sprinkler system, *in accordance with the requirements of the resolution amended this day under Cal. 344-43-A*; that a fire-retarded partition shall be constructed toward the Seventh avenue side, to separate the show window space from the stairhall; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto *other than as modified by the Board under Cal. 344-43-A* and the occupancy shall be maintained to the satisfaction of the fire commissioner."

344-43-A

APPLICANT—Rosenberg Brothers, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—165 West 10th street, north side, 31 ft. 5/8 in. east of Seventh avenue (Block 611, Lot 33), Borough of Manhattan.

APPEARANCES—

For Applicant: Abraham Rosenberg.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (344-43-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 165 West 10th street, north side, 31 ft. 5/8 in. east of Seventh avenue (Block 611, Lot 33), Borough of Manhattan, was granted by the Board on July 13, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted on July 13, 1943, so that as amended it shall read:

"that the decision of the borough superintendent on Misc. Applic. 527-43, Objection 2, be and it hereby is granted on condition that the sprinkler system shall comply with all the requirements therefor, except that during the term of the present emergency, the sprinkler may be fed from one street source, consisting of a 2-inch domestic water line and that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board under Cal. 264-43-S and as amended this date; and that the vault for the storage of pyroxaline products shall comply with all requirements therefor; that not more than 1,000 lbs. of such pyroxaline products shall be stored within the vault at any one time and not more than 300 lbs. shall be in process within the building outside the vault at any one time; that such portable fire-fighting appliances shall be provided and maintained as the fire commissioner shall direct."

MATERIAL SUBMITTED FOR APPROVAL

677-39-SM

APPLICANT—Pennsylvania Dixie Cement Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution re approval of Penn-Dixie Dark Portland Cement as manufactured at its Plant No. 4 at Nazareth, Pa. (previously approved re Penn-Dixie Dark Portland Cement as manufactured at its Plant No. 6, Bath, Pa.).

APPEARANCES—

For Applicant: J. H. Chubb.

ACTION OF BOARD—Application reopened and referred to the Committee on Tests.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

Adjourned: 3:20 P.M.

JOSEPH J. DOYLE, Chief Clerk.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held on September 28, 1943, as they appeared in Bulletin No. 40, Vol. 28, are hereby corrected to read as follows:

THE RESOLUTION (234-41-BZ)

WHEREAS, Henry C. Brockman, for The Trustees of Columbia University in the City of New York, owner (Gulf Oil Corporation, lessee), filed March 19, 1941 an application under section 7c of the zoning resolution, to permit in a business use district, the alteration and construction of a gasoline service station; part of the premises is on the same street and between the same intersecting streets as a school and library; premises 2011-2013 Broadway, west side, from West 68th street to West 69th street (entire block), 151-155 West 68th street and 166-178 West 69th street (Block 1140, Lots 4, 5, 7, 10, 14, 55, 58), Borough of Manhattan; and

WHEREAS, this application was granted by the Board on January 13, 1942, on certain conditions and plans approved on May 4, 1943; and

WHEREAS, the applicant requested an amendment of the resolution,

Resolved, that the Board of Standards and Appeals does hereby *approve* plans marked "Received April 15, 1943," as in substantial compliance with the requirements of the resolution adopted by the Board on January 13, 1942, and permitting the wood trim on the accessory buildings, consisting of wood coping, gutter, banisters and cupola, as indicated on approved plans; that no *signs* shall be erected on the premises other than what is shown on the approved plans, excluding all *roof* signs and temporary signs; that all permits shall be obtained and all work completed within one year from the date of this *amended* resolution.

*Correction—The word "sign" changed to "*signs*" in line 23 of the resolution and the word "new" changed to "*roof*" in line 25 of resolution.

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held on September 28, 1943, as they appeared in Bulletin No. 40, Vol. 28, are hereby corrected to read as follows:

THE RESOLUTION (357-43-S)

WHEREAS, M. W. Del Gaudio, for George F. Stuhmer and Co. and Pataken Realty Corporation, owners (George F. Stuhmer and Co., lessee), filed July 12, 1943, an application for variation of the labor law as cited in an order of the fire commissioner, affecting premises 413-431 Park avenue, 816-822 Kent avenue, northwest corner and 77-83 Taaffe place (1st, 2nd, 3rd floors and cellar); (Block 1883, Lots 1-4 and 38-40), Borough of Brooklyn; and

WHEREAS, Order 10728-LF, issued by the fire commissioner June 15, 1943, reads:

"1. Arrange iron bars and wire mesh screens on windows of 1-2-3rd and cellar stories on East, South and West sides of building, so as to be readily movable or removable from both sides in such a manner as to afford the free and unobstructed use of such windows for the purposes of egress as per Section 272 of the Labor Law.

- 4. Remove panic bolts from exit doors. Section 272 of the Labor Law."

and

WHEREAS, applicant states the building is 2 and 3 stories (34 ft.) in height, 185 ft. 3 in. by 82 ft. 11 in., irregular in area; of Class 1 and 3 construction; erected in 1875, extended in 1901 and 1936; located in an unrestricted use district; used and occupied: cellar, bakery and storage, 25 persons; 1st floor, loading, storage and mixing, 35 persons; 2nd floor, storage, flour bins, offices, 60 persons; 3rd floor, dwelling, two families; for which Certificate of Occupancy 87554 was issued May 26, 1938; that the building is equipped with three interior fireproof stairs, two of which extend to roof bulkhead; and

WHEREAS, the applicant contends as to item 1 of the fire commissioner's order, that the use of the building as a bakery requires that all ingredients be kept absolutely clean and every precaution taken against intrusion of unauthorized persons; that the cellar windows are 7 to 11 feet above floor and their use for exit would be impossible; that there are three fireproof stairways leading from cellar to 1st floor halls, which lead directly to street; that on the 1st floor, in addition to the three stairway entrances, are driveway doors and receiving doors, which are available for exit when the 1st floor is occupied; that on the 2nd story the windows facing the street could not be used for exit purposes, because of their distance from the sidewalk, while those facing the court could not be used for egress; that from the 2nd floor there are three fireproof stairs leading to 1st floor and thence to street; that two of these stairs lead to roof; that the communication between all parts of the building is such that horizontal exits have been developed, which permit unobstructed egress from any part of the building to any other part; and

WHEREAS, the applicant contends as to item 4 of the order, that panic bolts have been installed on the south leaf of door from 1st story stairhall to Kent avenue, on one of the two doors from stair No. 2 to Park avenue and on one of the two doors from cellar stairs to entrance hall at 1st floor on Taaffe place; that because of neighborhood conditions, it is essential that no one have access to the building except trusted employees and owner's representatives and it is therefore essential that unguarded doors be kept closed from the outside; that entrance for employees is provided by means of stairway No. 2 and entrance for visitors by means of stairway No. 1; that in the event of an emergency, free and unobstructed egress for all occupants is possible by means of the three stairways and by loading platform and receiving and delivery doors leading directly to street; that the building is equipped with a *standpipe* system and fire alarm system; and that 25 windows on the cellar story are affected, 42 on the 1st story and 59 on the 2nd story.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law, as cited in an order of the fire commissioner, Order 10728-LF, and that the application be and it hereby is *granted* to permit the continuation of the iron bars and wire mesh screens on windows where indicated and as proposed, and to permit panic bolts to be installed on exit doors at street level as proposed, *on condition* that all exits and entrances shown on the three street fronts, shall be maintained and that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board under Cal. Nos. 210-31-S and 313-36-A.

*Correction—The word "sprinkler" changed to "*standpipe*" in line 68 of resolution.

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such

copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

RULES

RULES RELATIVE TO SUBMERGED INLETS AND PROTECTIVE METHODS TO BE APPLIED TO PREVENT CONTAMINATION OF WATER SUPPLY

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS FEBRUARY 3, 1939, EFFECTIVE IN ACCORDANCE WITH SECTION 666, PARAGRAPH 2, OF THE NEW YORK CITY CHARTER, FEBRUARY 27, 1939, AS AMENDED DECEMBER 4, 1942, EFFECTIVE DECEMBER 28, 1942.

(835-38-SR)

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraph 2 of the New York City Charter pertaining to Sections C-26-1268.0,c,4, and C26-1277.0h. of the Administrative Building Code.

Rule 1. Vacuum Breakers.

All vacuum breakers prescribed under these rules shall be set at least four inches above the flood level rim of fixtures or as otherwise specifically provided for in these rules. Each fixture with submerged inlets shall be independently controlled by an approved vacuum breaker or breakers the full size of supply pipe, as set forth in these rules.

Rule 2. Submerged Inlets.

Water supply inlets to fixtures shall be located at least one inch above the flood level rim of the fixture, except when submerged inlets are absolutely essential for the proper functioning of a fixture, or as otherwise provided for in these rules.

Water supply lines to water preheating apparatus utilizing waste water shall be equipped with an approved vacuum breaker located at least four feet above the highest elevation of the preheating apparatus or coil, with a check valve between the vacuum breaker and the preheating apparatus. Any hot water boiler supplied through such preheating device and having an independent cold water supply line shall have the cold water supply line equipped with a vacuum breaker and check valve located at least four inches above the highest elevation of the boiler.

Rule 3. Flush-Valve Fixtures.

Flush-valve controlled fixtures, with submerged inlets supplied directly or indirectly from the City Water Supply System, shall be equipped with an approved vacuum breaker in the supply line not less than four inches above the flood level rim of the fixture.

Rule 4. Ballcocks.

All flush tanks operated by ballcocks shall have an approved vacuum breaker located not less than three-quarter inch above the overflow outlet of the flush tank.

Ballcocks controlling water supply to suction, roof or other intermediate tanks shall be located at least one inch above the flood level rim of the tank excepting that in roof tanks equipped with an overflow of a size at least one commercial diameter larger than the water supply pipe, the ballcock may be located two inches above the highest elevation of the overflow pipe. The overflow and emptying pipes of roof, suction and intermediate tanks shall not be directly connected to a drainage system, notwithstanding the permissive provisions of Section C26-1273.0,d of the Administrative Building Code for connection to a leader.

Rule 5. Sterilizers.

Direct water supply connections to all sterilizers are prohibited, except such equipment as is approved by the Board. When approved sterilizers are used, the waste piping from sterilizers shall not connect directly with any drainage system.

Rule 6. Aspirators—Water Siphons.

Direct water supply connections to aspirators, water siphons or similar apparatus is prohibited except when approved by the Board. The waste pipe for this type of apparatus shall not connect directly with any drainage system.

Rule 7. Bidets—Bed Pan Washers.

Direct water supply connections to a bidet is prohibited. Water supply connection to bed pan washers or similar apparatus shall be equipped with an approved vacuum breaker and check valve, the latter located between the fixture and the vacuum breaker. Water supply to bed pan washers equipped with an approved flush valve shall be governed by Rule 3.

Bed pan washers may be equipped with steam connections only when such equipment has been approved by the Board.

Rule 8. Sump or Well Pumps.

Direct water supply connections for priming purposes to sump, well or similar type pumps when permitted by the Department of Water Supply, Gas and Electricity shall be connected to the inlet side of the pump and be equipped with an approved vacuum breaker and check valve, the check valve to be located between the pump and the vacuum breaker.

Rule 9. Condensers.

Direct water connection to refrigeration unit for cooling purposes shall be equipped with an approved check valve to prevent possible back flow of ammonia or other refrigerant from defective condenser coils or jackets, except in such installations where the water supply piping is entirely outside of the piping or tank containing the refrigerant and two independent wall thicknesses of metal separate the refrigerant from the city water supply. Refrigeration units containing more than twenty pounds of refrigerant shall be provided with an additional safeguard in the form of an approved relief valve installed at the outlet side of the check valve, such relief valve being set at five pounds above the maximum water pressure at the point of installation. Direct water connection is prohibited under Section C26-1223.0 Administrative Building Code.

Rule 10. Mortuary, Dissection, Operating and Embalming Tables or Equipment.

Mortuary, dissection, operating and embalming tables or equipment shall have no direct water supply connection. Hose used with such equipment shall terminate at least 12 inches at any point from the table or attachments.

Rule 11. Dishwashing and Laundry Machines.

Direct water supply to dishwashing and laundry machines shall be equipped with an approved vacuum breaker and a check valve located between the vacuum breaker and the fixture. The vacuum breaker shall be located at least 4" above the highest elevation of the machine.

Rule 12. Chemical Solution Tanks or Apparatus.

Direct water supply connections, when permitted by the Department of Water Supply, Gas and Electricity, to any tank or apparatus containing any chemical shall be equipped with an approved vacuum breaker and a check valve located between the vacuum breaker and the tank or apparatus.

BULLETIN

OF THE

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No. 43

DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, *Chief Clerk*

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OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.

Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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Oil Burner Rules.

OPINION OF CORPORATION COUNSEL

September 9, 1943.

HON. HARRIS H. MURDOCK,
Chairman, Board of Standards and Appeals.

SIR:

I have your letter of November 18, 1942, requesting my opinion as to whether the Board of Standards and Appeals has authority to promulgate the proposed rules entitled "Rules for Erection, Alteration, Repair, Excavation for and Demolition of Buildings," a draft of which is set forth in the Bulletin of the Board of Standards and Appeals, Volume 26, No. 52, pp. 1735-1764, and whether the position taken by the representative of the State Board of Standards and Appeals, which is set forth in your letter, is binding upon your Board.

It is my opinion that the Board of Standards and Appeals of the City of New York has exclusive jurisdiction to make rules applicable within the City of New York on all aspects of construction, alteration, repair and demolition of all buildings within the City including all aspects of the protection of the public and persons engaged in the work involved. Accordingly, I advise you that the position taken by the representative of the State Board of Standards and Appeals is not binding upon the Board of Standards and Appeals of the City of New York and that the City Board has full jurisdiction to promulgate the proposed rules.

Yours truly,

(Signed) IGNATIUS WILKINSON,
Corporation Counsel.

COURT DECISION.

In the Matter of Dole vs. City of New York:—A petition had been filed by Dole and others with the Planning Commission for change in the zoning of an area in Spuyten Duyvil from an E area district to a G area district. Upon a favorable report of the Planning Commission, the Board of Estimate voted to approve the amendment to the Zoning Resolution by a vote of 13 to 1,—2 not voting. However, because of protests filed in excess of 20% of the area of protest affected, the resolution failed of passage and change was ineffective because of the requirement of Section 200 of the Charter that a unanimous vote was necessary. Thereafter, in an action for declaratory judgment, it was claimed that the Engineers of the Board of Estimate adopted an improper method of using "mapped streets" as the basis of determining the per centum of the protesting area, whereas they should have included a private right-of-way on which houses front and which constituted a "street" now actually in use although not a "mapped street". Presumably, had the area been calculated as the plaintiff claimed it should have been, the percentage of protests would have fallen below 20 per centum and a unanimous vote would not have been required. Mr. Justice Hofstadter, at Special Term, Supreme Court, Bronx County, held that the method employed by the city was correct, stating in part: "... There is no prescribed method for determining the percentum of protesting area. It appears conclusively that the engineers of the board of estimate had followed the uniform and exclusive method of determining percentum of protesting area on the basis of 'mapped street', since the origin of zoning in New York City. In view of the silence of Chapter 8 of the Charter, this uniform practice was continued without a single deviation. Considerable force must be attached to the practical

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construction of the statute by 'public officers whose duty it is to enforce it, acquiesced in by all for a long period of time Here, as the city has shown clearly, the exclusive method adopted of computing on the basis of 'mapped streets', results in precision and exactness. The lines of 'mapped streets' are even, fixed and determined. On the other hand, the method suggested by the plaintiff of computing on the basis of 'streets in use' would result inevitably in confusion and uncertainty, and obstruct the operation of zoning. The impracticability of plaintiff's suggested method is obvious; there could be no direct and simple method of calculating protests; frequently the lines of a 'street in use' are not readily determined without first obtaining an adjudication from the courts as to title; often, streets in use have no specific location and may fall outside the lines of mapped streets. With reference to 'public streets', there would exist situations in which a given area would contain 'public streets', which are always shown in the City Map, and 'mapped streets', which often are not 'public streets' but merely 'proposed streets'; numerous clashes would result concerning which type of street to use as a basis for figuring protests." (New York Law Journal, October 5, 1943.)

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- | Cal. No. | Dept. | Premises Affected |
|------------------------------|--------|--|
| 485-43-A | F.D. | 289-291 Eighth avenue, west side, 82 ft. 2 in. north of West 24th street (Block 748, Lots 41 and 42), Borough of Manhattan, 17117-L.F. and Decision. |
| 486-43-A | F.D. | 448 Greenwich street, west side, 49.1 ft. south of Desbrosses street (Block 223, Lot 30), Borough of Manhattan, 35997-L.C., 19128-L.F., 18849-L.F. and Decision. |
| 487-43-A | H.B.Bx | 1571-1575 Southern boulevard, south-west corner of East 173rd street (Block 2977, Lot 150), Borough of The Bronx, Amendment to B.N. 160-43. |
| 488-43-A | F.D. | 307-313 Kingsland avenue, west side, 135 ft. south of Norman avenue (Block 2657, Lot 13), Borough of Brooklyn, Decision re 93881-L.C. |
| 489-43-A | F.D. | 182-200 Hudson street and 18-26 Vestry street, northeast corner (12th floor); (Block 221, Lot 30), Borough of Manhattan, 36090-L.C. |
| 490-43-A | F.D. | 330-350 Kent avenue, west side, from South 4th to South 5th streets (Building 20); (Block 2427, Lot 1), Borough of Brooklyn, 10771-L.F. and Decision. |
| 491-43-S | H.B.M. | 108-112 West 3rd street, south side, 97 ft. west of Sullivan street (Block 540, Lot 17), Borough of Manhattan, Alt. 899-43. |
| 492-43-A | H.B.B. | 192 Powell street, west side, 150 ft. north of Belmont avenue (Block 3728, Lot 25), Borough of Brooklyn, Alt. 418-43. |
| <i>Restored to Calendar.</i> | | |
| 284-41-BZ | H.B.Q. | 47-75 48th street, northeast corner of 48th avenue (Block 2286, Lot 53), Sunnyside, Borough of Queens, Alt. 1341-43. |
| 710-42-S | F.D. | 57-02 48th street (Block 24552, Lot 24), Maspeth, Borough of Queens, 7167-L.F. and Decision. |

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—

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Tank Trucks, Gasoline, etc.	Nov.	24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr.	10, 1923—Vol. 8, No. 15

Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

OCTOBER 26, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, October 26, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Rules

781-41-SR—Proposed Rules for Erection, Alteration, Repair, Excavation for and Demolition of Buildings—Adoption of.

Appeals from Administrative Decisions.

679-25-S—5 West 30th street, north side, 150 ft. west of Fifth avenue (Block 832, Lot 36), Borough of Manhattan (reopened September 14, 1943 re amendment of resolution).

399-43-A—2531-2539 Broadway, west side, from West 94th street to West 95th street and 250-254 West 95th street (Block 1242, Lots 55 and 10), Borough of Manhattan.

361-43-A—16 Central avenue, west side, 134.62 ft. south of Hyatt street (Block 6, Lot 75), St. George, Borough of Richmond.

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396-43-A—950-956 Grand street, south side, 425 ft. 2½ in. east of Waterbury street (Block 3019, Lot 20), Borough of Brooklyn.

403-43-A—140-148 Lafayette street and 12-20 Howard street, northwest corner (Block 233, Lot 26), Borough of Manhattan.

409-43-A—157 13th street, north side, 100 ft. 1 in. east of Third avenue (Block 1027, Lot 66), Borough of Brooklyn.

498-43-A—South and east sides of Brielle avenue, between Rockland avenue (Willowbrook parkway) and Manor road (Block 955, Lot 1); (Sea View Hospital), Borough of Richmond.

474-43-S—124-140 Atlantic avenue, south side, 134 ft. 4 in. east of Henry street and 121-125 Pacific street (Block 285, Lot 12), Borough of Brooklyn.

499-43-A—400-412 Marcy avenue and 50-60 Lorimer street, southwest corner (Block 2244, Lots 25 and 33), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

OCTOBER 26, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, October 26, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions.

442-43-A—Re use and marketing of inflammable mixture, known as "Cat's Paw Rubber Cement" in one-gallon tin containers (label on containers not in conformity with Administrative Code requirements).

398-43-A—340 Henry street, west side, from Pacific street to Amity street (1st to 5th floors, inclusive); (Block 290, Lot 14), Borough of Brooklyn.

478-43-A—42-02 55th drive, north side, 166 ft. west of 43rd street (Block 2518, Lots 58 and 101 and Block 2519, Lot 1), Maspeth, Borough of Queens (under section 35, General City Law—re bed of mapped street—42nd street).

327-43-A—382 Metropolitan avenue, south side, 118 ft. east of Havemeyer street (Block 2369, Lot 14 and part of Lots 12, 15, 16 and 17), Borough of Brooklyn (reopened and restored to calendar, September 14, 1943; previously dismissed for lack of prosecution).

476-42-A—2553-2563 Atlantic avenue and 30-48 Alabama avenue, northwest corner (Block 3666, Lot 31), Borough of Brooklyn (reopened and restored to calendar, September 14, 1943; previously dismissed for lack of prosecution).

203-43-A—East side of 81st street, north of Ditmars boulevard, Seaplane Hangar No. 2 (Block 926), LaGuardia Field, Jackson Heights, Borough of Queens (reopened September 14, 1943 re amendment of resolution).

319-43-S—515-521 Greenwich street and 309-317 Spring street, northeast corner (2nd and 5th floors); (Block 597, Lot 1), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously dismissed for lack of prosecution).

43-43-A—121-127 West 46th street, north side, 275 ft. west of Sixth avenue (Block 999, Lot 19), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously dismissed for lack of prosecution).

592-42-S—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

593-42-A—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

803-42-A—786 First avenue and 400 East 44th street, southeast corner and north side of East 43rd street, 150 ft. east of First avenue (Block 1355, Lot 7), Borough of Manhattan (reopened September 14, 1943 under new proposal; previously denied).

115-43-S—21-10 49th avenue, southeast corner of 21st street (1st floor); (Block 71, Lot 1), Long Island City, Borough of Queens (reopened September 14, 1943 re amendment of resolution).

877-42-A—1230 Castleton avenue, southwest corner of Taylor street (Block 212, Lot 40), West New Brighton, Borough of Richmond.

Material for Approval.

157-38-SM—Lith-I-Bar Precast Light-Weight Joists (reopened and restored to calendar, March 18, 1941; previously dismissed for lack of prosecution).

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 3, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Wednesday morning, November 3, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Zoning Application.

222-43-BZ—Application, May 11, 1943, under section 7h of the zoning resolution, of Arthur Weiser, applicant, on behalf of Bijou Realty Corporation, owner, to permit partly in a residence use and partly in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises west side of Riverdale avenue, 157.01 ft. north of West 232nd street (Block 3409E, Lot 374), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 3, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Wednesday afternoon, November 3, 1943 at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

489-43-A—182-200 Hudson street and 18-26 Vestry street, northeast corner (12th floor); (Block 221, Lot 30), Borough of Manhattan.

710-42-S—57-02 48th street (Block 24552, Lot 24), Maspeth, Borough of Queens (reopened and restored to calendar, October 19, 1943; previously dismissed for lack of prosecution).

Appliances for Approval.

288-43-SA—Cardox Low Pressure Carbon Dioxide Storage Unit and Cardox Fire Extinguishing Systems, Type A (Automatic) and Type M (Manual).

472-42-SA—Allen's Iron Body Siamese 4, 5 and 6 inch.

100-43-SA—Elliott Electric Infra-Red Oven.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

NOVEMBER 9, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, November 9, 1943*, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

1051-27-BZ—Application of Lama and Proskauer, applicants, on behalf of Rutland Parkway, Inc., owner (Sinclair Oil Refining Co., lessee), reopened December 1, 1942, under sections 7c and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of an auto laundry (located upon an existing gasoline service station) to a motor vehicle repair shop and, also, the inclusion of parking and storage of more than five motor vehicles; premises 724-740 Ralph avenue and 81-101 East 98th street, northwest corner (Block 3530, Lot 1), Borough of Brooklyn.

198-20-BZ—Application of Henry Nordheim, applicant, on behalf of Maresca Co., Inc., owner, reopened September 14, 1943, under section 7c of the zoning resolution, to permit in a business use district, the inclusion of a motor vehicle repair shop in a public garage—the said public garage was previously granted by the Board; premises 2653 Webster avenue, west side, 151.03 ft. south of East 195th street (Block 3277, Lot 36), Borough of The Bronx.

466-43-BZ—Application, September 29, 1943, under section 21 of the zoning resolution, of George A. Boehm, applicant, on behalf of Harcourt Johnstone, Amos R. E. Pinchot and Gifford Pinchot, owners, to permit in a residence use district, the conversion of occupancy of a building occupied as a garage for more than five motor vehicles and auto repair shop to a factory; premises 146-150 West 63rd street, south side, 100 ft. west of Amsterdam avenue (Block 1134, Lot 58), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 16, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, November 16, 1943*, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Appeal from Administrative Decision

364-43-A—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 7, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 7, 1943*, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Zoning Application.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 14, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 14, 1943* at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Zoning Application.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

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BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, OCTOBER 19, 1943

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

The minutes of the regular meetings of the Board held on Wednesday morning, October 13, 1943, and Wednesday afternoon, October 13, 1943, were approved as printed in Bulletin No. 42. Volume No. 28.

ZONING CASES

109-43-BZ

APPLICANT—Lama and Proskauer, for Samuel Sym, owner.

SUBJECT—Application (decision of the acting borough superintendent) under section 7c of the zoning resolution, to permit in a business use district, the extension in area of a building used as a wet wash laundry.

PREMISES AFFECTED—64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

APPEARANCES—

For Applicant: Alfred A. Lama and Miss Sym.

For Opposition: Walter Szachacz.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to December 14, 1943 at 10 A. M., for further consideration by the Board.

284-41-BZ

APPLICANT—Seelig & Finkelstein, for Woodside Associates, Inc., owner.

SUBJECT—Application for consideration—reopening on a new proposal, factory use (decision of the acting borough superintendent)—Application, previously denied, under section 7c of the zoning resolution, to permit the alteration of and the inclusion of a

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gasoline service station in an existing public garage located partly in a business use and partly in a residence use district.

PREMISES AFFECTED—47-75 48th street, northeast corner of 48th avenue (Block 2286, Lot 53), Sunnyside, Borough of Queens.

APPEARANCES—

For Applicant: Harry Finkelstein.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

336-37-BZ

APPLICANT—Julius Fishkind, for The New York Public Library, owner (Garage Realty Corp., tenant, and Sun Industries, sub-tenant).

SUBJECT—Application reopened September 28, 1943 for consideration as to additional use—sale of used cars (decision of the borough superintendent)—**re Application**, previously granted on condition, under section 7h of the zoning resolution, permitting in a retail use district, for a period of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—322-328 West 57th street, south side, 275 ft. west of Eighth avenue (Block 1047, Lots 44 and 46), Borough of Manhattan.

APPEARANCES—

For Applicant: J. C. Jason.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (336-37-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a retail use district for a temporary term, the parking and storage of more than five motor vehicles, affecting premises 322-328 West 57th street, south side, 275 ft. west of Eighth avenue (Block 1047, Lots 44 and 46), Borough of Manhattan, was granted by the Board on March 1, 1938, on certain conditions, permit extended on March 5, 1940 and March 3, 1942; and

WHEREAS, the applicant requested an amendment of the resolution; and

WHEREAS, this case was reopened by vote of the Board on September 28, 1943 and set for hearing on October 19, 1943; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, October 19, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on March 1, 1938, as amended through March 3, 1942, by adding thereto:

"that in the event the owner desires to occupy a portion of the premises for the storage of pleasure motor vehicles belonging to an agency having them for sale as used cars, such additional storage may be permitted, provided there is no sale of used cars carried on at the site."

404-43-BZ

APPLICANT—Charles A. Duncker, for Taverna Coal Co., owner.

SUBJECT—Application (decision of the acting borough superintendent) under sections 7c and 21 of the zoning resolution, to permit in a residence use district, the erection and maintenance of a building to be used as an office and garage for four (4) motor vehicles to be used in conjunction with the existing coal yard on the site.

PREMISES AFFECTED—51-67 Manee avenue, east side, 531.78 ft. south of Amboy road and 52-56 Bayview avenue (Block 6751, Lot 284), Princes Bay, Borough of Richmond.

APPEARANCES—

For Applicant: Charles A. Duncker and Rose Taverna.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4

THE RESOLUTION (404-43-BZ)

WHEREAS, Charles A. Duncker, for Taverna Coal Co., owner, filed August 16, 1943, an application under sections 7c and 21 of the zoning resolution, to permit in a residence use district, the erection and maintenance of a building to be used as an office and garage for four (4) motor vehicles to be used in conjunction with the existing coal yard on the site, affecting premises 51-67 Manee avenue, east side, 531.78 ft. south of Amboy road and 52-56 Bayview avenue (Block 6751, Lot 284), Princes Bay, Borough of Richmond; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting on October 19, 1943, after due publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the Zoning Resolution show that Manee avenue is in residence, manufacturing and retail use districts; Bayview avenue is in residence and retail use districts; Pleasant Plains boulevard is in residence and retail use districts; Amboy road is in retail and residence use districts; and

WHEREAS, the decision of the borough superintendent, re N.B. Applic. 28-43, dated August 2, 1943, reads:

"With reference to above New Building application the following objections have been filed:

"The erection of a proposed office and garage for four (4) motor vehicles (trucks) upon the existing coal yard located in a residence use district is contrary to Section 3 of the Zone Resolution."

and

WHEREAS, the applicant states that the premises consist of an irregularly shaped plot having a frontage of 189 ft. on Manee avenue, 55 ft. on Bayview avenue and a distance of 338 ft. along the northerly lot line and occupied as a coal yard; that it is proposed to erect upon the southerly portion of the Manee avenue frontage of the plot a 1-story, Class 3 building, 31 ft. by 69 ft., irregular in area, to be used as an office and garage for 4 motor vehicles (trucks), accessory to the coal yard on the plot; and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that there was no justification for the exercise of discretion to grant a zoning variance under section 7, subdivision c, and that the applicant failed to substantiate a basis to warrant exercise of discretion to grant under section 21 of the zoning resolution and was therefore not entitled to relief.

Resolved, that the decision of the borough superintendent on N. B. Applic. 28-43, be and it hereby is *affirmed* and that the application be and it hereby is *denied* without prejudice to presenting a new proposal based on the retention of entrance at Bayside avenue.

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134-26-BZ

APPLICANT—Henry Nordheim, for Rachel Kantrowitz, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the acting borough superintendent) previously granted on condition, under section 7e of the zoning resolution, permitting in a residence use district, the conversion of occupancy of part of an existing building from residence to business use (previously denied).

PREMISES AFFECTED—871 East 175th street, north side, 57.1 ft. east of Mohegan avenue (Block 2958, Lot 65), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry Nordheim.

For Opposition: Harold Klorfein, Dep't of Parks.

For Administration: Fred Dahlem, Dep't. of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (134-26-BZ)

WHEREAS, this application under section 7e of the zoning resolution, permitting in a residence use district, the conversion of occupancy of part of an existing building from residence to business use, affecting premises 871 East 175th street, north side, 57.1 ft. east of Mohegan avenue (Block 2958, Lot 65) Borough of The Bronx, was granted by the Board on October 21, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on October 21, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

“**** Granted for a term of two (2) years from the date of this amended resolution to permit **”

461-37-BZ

APPLICANT—J. Jacques Stone, for Hudson Parking Corporation, for New York Life Insurance Company, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—247-261 Madison avenue, east side, from East 38th street to East 39th street (Block 868, Lots 22, 23, 24 and parts of Lots 20, 54, 55 and 56), Borough of Manhattan.

APPEARANCES—

For Applicant: J. J. Stone.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (461-37-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for temporary term of two years, the parking and storage of more than five motor vehicles, affecting premises 247-261 Madison avenue, east side, from East 38th street to East 39th street

(Block 868, Lots 22, 23, 24 and parts of Lots 20, 54, 55 and 56), Borough of Manhattan, was granted by the Board July 12, 1938, on certain conditions; the resolution amended October 25, 1938, September 19, 1939, November 8, 1939 and October 15, 1941; and

WHEREAS, the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on July 12, 1938, as amended through October 15, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

“*** Granted under section 7h for a term of two (2) years from the date of this amended resolution ****”

274-38-BZ

APPLICANT—David Zipkin, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a temporary term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—102 Sherman avenue, north side, 100 ft. east of Dyckman street and 169-171 Dyckman street (Block 2224, Lots 45-48 and 53), Borough of Manhattan.

APPEARANCES—

For Applicant: David Zipkin.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (274-38-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a temporary term of two years, the parking and storage of more than five motor vehicles, affecting premises 102 Sherman avenue, north side, 100 ft. east of Dyckman street and 169-171 Dyckman street (Block 2224, Lots 45-48 and 53), Borough of Manhattan, was granted by the Board on February 7, 1939, on certain conditions, time extended on January 30, 1940 and permit extended on October 28, 1941; and

WHEREAS, the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on February 7, 1939, as amended through October 28, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

“Granted under section 7h for a temporary term of two (2) years from the date of this amended resolution, to permit the premises to be occupied for the parking and storage of more than five motor vehicles, on condition ****”

366-38-BZ

APPLICANT—Koch and Wagner, for John F. Trommer, Inc., owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the acting borough superintendent) previously granted on condition, under section 7a of the zoning resolution, permitting partly in a business use and partly in an unrestricted use district, the alteration and extension of an existing brewery building.

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PREMISES AFFECTED—1656-1672 Bushwick avenue, south side, 236 ft. east of Conway street (Block 3476, part of Lot 16), Borough of Brooklyn.

APPEARANCES—

For Applicant: Harry L. Yakel.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (366-38-BZ)

WHEREAS, this application under section 7a of the zoning resolution, permitting partly in a business use district and partly in an unrestricted use district, the alteration and extension of an existing brewery building, affecting premises 1656-1672 Bushwick avenue, south side, 236 ft. east of Conway street (Block 3476, part of Lot 16), Borough of Brooklyn, was granted by the Board on July 20, 1938, on certain conditions, time extended on April 18, 1939, May 6, 1941 and May 14, 1940 and resolution amended on October 28, 1941; and

WHEREAS, the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on July 20, 1938, as amended through October 28, 1941, only so far as it has reference to the use of the temporary wood roof, so that as amended, this portion of the resolution shall read:

“*** Granted for a term of two (2) years from the date of this amended resolution, ***”

586-39-BZ

APPLICANT—Lama and Proskauer, for Mary L. Moll and Charles London, owners.

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the borough superintendent) previously granted on condition, under sections 7g and 21 of the zoning resolution, permitting in a business use district, the alteration and extension of a garage for more than five motor vehicles and, also, the inclusion of a gasoline service station.

PREMISES AFFECTED—430-440 Atlantic avenue, south side, 256 ft. 3 in. west of Nevins street (Block 184, Lots 14, 17 and 18), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (586-39-BZ)

WHEREAS, this application, under sections 7g and 21 of the zoning resolution, permitting in a business use district the alteration and extension of a garage for more than five motor vehicles and, also, the inclusion of a gasoline service station, affecting premises 430-440 Atlantic avenue, south side, 256 ft. 3 in. west of Nevins street (Block 184, Lots 14, 17 and 18), Borough of Brooklyn, was granted by the Board March 12, 1940, on certain conditions, the resolution amended and plans approved October 22, 1940, time extended October 7, 1941 and November 4, 1942 and the applicant requested a further extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted by the Board on May 12, 1942, as amended through November 4, 1942, only so far as it has reference to the completion of the work, so that as amended, this portion of the resolution shall read:

“*** that in view of the statement by applicant that all permits required have been obtained, that all work shall be completed within one (1) year from the date of this amended resolution ***”

1129-40 BZ

APPLICANT—The New York Central Railroad Company, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the acting borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—2750 Webster avenue, east side, 1051 ft. south of Bedford Park boulevard (Block 3273, part of Lot 101), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry Nordheim.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (1129-40-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 2750 Webster avenue, east side, 1051 ft. south of Bedford Park boulevard (Block 3273, part of Lot 101), Borough of The Bronx, was granted by the Board on October 21, 1941, on certain conditions and time extended on November 4, 1942; and

WHEREAS, the applicant requested an extension of the permit.

Resolved that the Board of Standards and Appeals does hereby amend the resolution adopted on October 21, 1941, as amended through November 4, 1942, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

“** Granted under section 7h for a term of two (2) years from the date of this amended resolution, to permit ***”

1212-40-BZ

APPLICANT—Jerome E. Wanshel, for Anne Zuppordi, present owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting partly in a business use and partly in a residence use district, the vacant portion of the premises to be occupied for the parking and storage of more than five motor vehicles for a temporary term of two years.

PREMISES AFFECTED—1061-1065 Montgomery street, north side, 5 ft. 3¼ in. west of East New York avenue and 46-48 Ford street (Block 1420, Lots 58 and 51), Borough of Brooklyn.

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APPEARANCES—

For Applicant: I. Rivinson.
For Opposition: Harold Klorfein, Dep't of Parks.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (1212-40-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting partly in a business use district and partly in a residence use district, the vacant portion of the premises to be occupied for the parking and storage of more than five motor vehicles for a temporary term of two years, affecting premises 1061-1065 Montgomery street, north side, 5 ft. 3¼ in. west of East New York avenue and 46-48 Ford street (Block 1420, Lots 58 and 51), Borough of Brooklyn, was granted by the Board on April 1, 1941, on certain conditions; and

WHEREAS, the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on April 1, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h for a temporary term of two (2) years from the date of this *amended* resolution, to permit ***"

232-41-BZ

APPLICANT—Paul Friedman, for John J. O'Grady, owner (as trustee u/w of Patrick J. O'Keefe, deceased); (Bernard J. Green, lessee).

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—9201-9213 Fourth avenue, 402-424 92nd street, southeast corner and 9202-9212 Fifth avenue, southwest corner of 92nd street (Block 6108, Lot 22), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (232-41-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 9201-9213 Fourth avenue, 402-424 92nd street, southeast corner and 9202-9212 Fifth avenue, southwest corner of 92nd street (Block 6108, Lot 22), Borough of Brooklyn, was granted by the Board on October 15, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on October 15, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h for a term of two (2) years from the date of this *amended* resolution, to permit ***"

442-42-BZ

APPLICANT—Henry C. Brockman, for Gulf Oil Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the borough superintendent) previously granted on condition, under section 7c of the zoning resolution, permitting in a residence use district, the reconstruction and extension of an existing gasoline service station.

PREMISES AFFECTED—2001-2011 Cropsey avenue and 8799-8815 20th avenue, northeast corner (Block 6442, Lot 5), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (442-42-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting in a residence use district, the reconstruction and extension of an existing gasoline service station, affecting premises 2001-2011 Cropsey avenue and 8799-8815 20th avenue, northeast corner (Block 6442, Lot 5), Borough of Brooklyn, was granted by the Board on September 29, 1942, on certain conditions and the applicant requested an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on September 29, 1942, only so far as it has reference to obtaining permits and completion of work, so that as amended, this portion of the resolution shall read:

"**** that all permits shall be obtained and all work completed within one (1) year from the date of this *amended* resolution ***"

Adjourned, 10:45 A. M.

JOSEPH J. DOYLE, Chief Clerk.

REGULAR MEETING

TUESDAY AFTERNOON, OCTOBER 19, 1943

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

APPEALS FROM ADMINISTRATIVE DECISIONS

398-43-A

APPLICANT—Howard Chapman, for Long Island College Hospital, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—340 Henry street, west side, from Pacific street to Amity street (1st to 5th floors); (Block 290, Lot 14), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Laid over to October 26, 1943 at 2 P. M., on written request of applicant.

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442-43-A

APPLICANT—Cat's Paw Rubber Cement Co., Inc., owner.
SUBJECT—Appeal from decision of the fire commissioner, re marketing of inflammable mixture "Cat's Paw Rubber Cement" in one gallon tin containers (label on containers not in conformity with Administrative Code requirements).

APPEARANCES—

For Applicant: None.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Laid over to October 26, 1943 at 2 P. M. No appearance for applicant.

489-43-A

APPLICANT—Inkograph Co., Inc., lessee, for Trinity Operating Co., Inc., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—182-200 Vestry street and 18-26 Vestry street, northeast corner (12th floor); (Block 221, Lot 30), Borough of Manhattan.

APPEARANCES—

For Applicant: William F. Wallace.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Laid over to November 3, 1943 at 2 P. M., for further consideration by the Board.

710-42-S

APPLICANT—Gordon-Lacey Chemical Products Company (lessee), for Advance Construction Corporation, owner.

SUBJECT—Application for consideration—reopening and restoration to calendar—Variation of the labor law as cited in an order and a decision of the fire commissioner (previously dismissed for lack of prosecution).

PREMISES AFFECTED—57-02 48th street (Block 2554, Lot 24), Maspeth, Borough of Queens.

APPEARANCES—

For Applicant: Hyman D. Abbey.

ACTION OF BOARD—Application reopened, restored to calendar and set for hearing November 3, 1943 at 2 P. M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

1316-39-A

APPLICANT—Richey, Browne and Donald, Inc., owner.

SUBJECT—Application for consideration—reopening and extension of permit—Appeal from orders and decisions of the fire commissioner.

PREMISES AFFECTED—52-15 Flushing avenue, northwest side, 113 ft. southwest of 54th street (Block 2319, Lot 22; Block 2320, Lots 28 and 23; Block 2324, Lot 50), Maspeth, Borough of Queens.

APPEARANCES—

For Applicant: Albert Parnell.

ACTION OF BOARD—Request to reopen, withdrawn.

THE VOTE TO WITHDRAW REQUEST TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (1316-39-A)

WHEREAS, this appeal from orders and decisions of the fire commissioner, affecting premises 52-15 Flushing avenue, northwest side, 113 ft. southwest of 54th street (Block 2319, Lot 22; Block 2320, Lots 28 and 23 and Block 2324, Lot 50), Maspeth, Borough of Queens, was granted by the

Board on March 26, 1940, on certain conditions, time extended on November 12, 1941 and the applicant requested a further extension of time; and

WHEREAS, it appears that owing to the changed conditions, the order for the yard hydrant may be rescinded.

Resolved, that the application for reopening be and it hereby is *withdrawn*.

148-42-A

APPLICANT—Alfred H. Eccles, for Gotham Ink and Color Company, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—5-19 47th avenue (8th street), north side, 174.93 ft. east of East 5th street (West avenue); (Block 28, Lot 17), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Alfred H. Eccles and Samuel Kantor.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (148-42-A)

WHEREAS, Alfred H. Eccles, for Gotham Ink and Color Company, owner, filed February 20, 1942, an appeal from an order of the fire commissioner, affecting premises 5-19 47th avenue (8th street), north side, 174.93 ft. east of East 5th street (West avenue); (Block 28, Lot 17), Long Island City, Borough of Queens; and

WHEREAS, order 90108-LC issued by the fire commissioner January 23, 1942, reads:

"You are hereby notified that an inspection of the above premises used to store naphtha, zylol, etc., shows that the following must be done before the permit requested by you can be issued:

1. Remove all drums of naphtha, toluol and zylol from 1st story of factory building pending the installation of an approved storage system. C19-11, Adm. Code.

2. Provide an approved storage system for the storage of naphtha, toluol and zylol. Plans and specifications to be filed with and approved by the Division of Buildings, before work of installing storage tank is commenced. Tank to be tested and installation supervised by a representative of the Division of Combustibles, Fire Dept. C19-11, Adm. Code.

3. Reduce the quantity of naphtha, toluol and zylol stored above the ground floor of factory building to 5 gallons and provide approved metal safety cans of not more than five gallons capacity for storage of said inflammable oils. C19-11, Adm. Code.

Please notify this office when these orders are complied with. It is unlawful for you to store naphtha, zylol, etc., without a permit."

and

WHEREAS, the applicant states that the building is 3 stories (36 ft.) in height, 25 ft. by 100 ft. in area at 1st floor, 25 ft. by 85 ft. in area at typical floor, of Class 1 construction, erected in 1905, located in an unrestricted use district and equipped with a sprinkler system which is not now in operation, and used and occupied as follows: 1st floor, manufacturing printing ink, 5 persons; 2nd floor, same, 3 persons; 3rd floor, factory and storage, 1 person. Certificate of Occupancy Q20476 issued July 22, 1941, permits the use of the building for factory purposes throughout with 5 persons on the 1st floor, 10 persons on the 2nd, and 10 persons on the 3rd floor; and

WHEREAS, the Assistant Chief of the Fire Department in command of the Division of Combustibles for the Boroughs of Brooklyn and Queens, filed a certificate of hazard with the Board under date of August 31, 1943; and

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WHEREAS, the applicant contends that the oils in question are now stored in tightly sealed steel drums on the 1st and 2nd floors; that the building is fireproof, small in area—only 3 stories high, has an extremely small number of occupants and is surrounded by buildings of one and two stories in height; that the owner recently purchased the building, to carry on his business and is unable to install an underground storage system because of the expense; that the sprinkler system is defective because of its having been disconnected from the street main for many years; that the following materials are stored in the building: on 1st floor, rosin varnish, 1 drum; kerosene, 1 drum; naphtha, 6; denatured alcohol, 1; butyl alcohol, 1; ethyl acetate solutions, 4; wood alcohol, 1; ethyl acetate, 1; isopropyl acetate, 1; acetone, 1; butyl acetate, 1; cellosolve, 1; castor oil, 2; linseed oil, 2; mineral oil, 1; litho and gravure varnishes, 14; 2nd floor, cellosolve, 2 drums; linseed oil, 3; castor oil, 1; neutral oil, 1; long varnish, 1; hercolyn, 1; gloss varnish, 1; 3rd floor, rosin varnish, 2 drums; mineral oil, 7; kerosene, 1; naphtha, 31; wood alcohol, 3; denatured alcohol, 5; butyl alcohol, 8; ethyl acetate solutions, 8; ethyl acetate, 8; isopropyl acetate, 6; acetone, 9; butyl acetate, 4; methyl ethyl ketone, 1 drum.

Resolved, that order 90108-LC of the fire commissioner be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to items 1, 2 and 3, *on condition* that the building shall be maintained substantially as indicated on revised plans marked "Received October 18, 1943;" that the rear skylight on the one-story roof shall be equipped with an easy opening scuttle device; that there shall be a fireproof door installed in the opening on the first story in the wall to the rear extension; that the boiler room shall be separated from the balance of the building by fireproof construction and the existing window opening shall be blocked up with approved masonry, as shown; and the door leading thereto shall be fireproof, selfclosing; that air for the heater shall be obtained by means of a duct from the boiler room to the roof; that the sprinkler system shall be put in working order and maintained as a dry automatic system with street siamese; that the alarm signal system shall comply with the requirements therefor, for a dry system; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto and *granted* only so long as the building is occupied as proposed and the amount of inflammable oils shall not exceed that proposed; that such oils shall be stored as proposed in the original drums and mainly on the third story; that inflammable oil taken from the drums shall be carried in approved safety cans; that such portable fire-fighting appliances shall be maintained throughout the building as the fire commissioner shall direct.

191-43-A

APPLICANT—R. P. Johnson, for the American Museum of Natural History, owner.

SUBJECT—Appeal from decisions of the fire commissioner and a decision of the borough superintendent.

PREMISES AFFECTED—15 West 77th street and Central Park West at West 79th street (Manhattan Square); Block 1130, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: Rex P. Johnson and John M. McDermott.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (191-43-A)

WHEREAS, R. P. Johnson for The American Museum of Natural History, owner, filed April 27, 1943, an appeal from

decision of the fire commissioner affecting premises 15 West 77th street and Central Park West at West 79th street (Manhattan Square); (Block 1130, Lot 1), Borough of Manhattan; and

WHEREAS, the decision of the fire commissioner dated December 31, 1941, reads:

"8. Remove the sprinkler connections from standpipe cross connections in the main wing, west wing, east wing and the Columbus avenue wing. Ch. 19-161.0 Adm. Code."

and

WHEREAS, the decision of the fire commissioner, dated February 21, 1942, reads:

"9. Comply with fireproof order issued December 31st, 1941 referring to sprinkler, standpipe system, etc."

and

WHEREAS, the decision of the fire commissioner, dated April 16, 1943, reads:

"An inspection from this Division has reported that the first eight items of violation dated February 21, 1942, have been complied with.

Item 9 requires compliance with Fire Prevention order regarding sprinkler and standpipe systems."

and

WHEREAS, these decisions were preceded by an order of the Commissioner of Buildings dated April 23, 1935, which reads:

"1. Remove the sprinkler connections from standpipe cross connection in the main wing, west wing, east wing and the Columbus avenue wing."

and

WHEREAS, the applicant states the buildings are 35 to 120 feet, two to six stories in height, 631 ft. by 564 ft. in area; of Class 1 and 2 construction; erected in 1891, 1894, 1895; 1908 and 1932, located on a plot 800 ft. by 1037 ft. in area, in a residence use district and used as follows: Subcellar, elevator machinery rooms and pump rooms, no persons; -Cellar, storage rooms and work shops, 4 persons; 1st to 4th floors, exhibition space; 5th floor, offices and laboratories, 75 persons; attic, storage, no persons; and

WHEREAS, the applicant contends that automatic sprinklers are provided throughout the basements of buildings sections 2, 3, 4, 5, 6, 9, 13, 18 and 19; the sprinkler systems in basements of building sections 2, 3, 4, 5, 6 and 13 are cross-connected to a 6-in standpipe main which forms a continuous circuit throughout the basements; that separate control valves are provided for each basement section and are located in the sections adjoining the one which they control; that these sprinklers, together with the standpipe system, receive an automatic supply of water from an 8,500 gallon house tank (5,000 gallons are reserved for fire protection); that the 8,500 gallon house tank receives its supply from a 175 g.p.m. house supply pump which is connected to a 6-inch city water main and a 12,500 gallon suction tank located in the basement of section 17; that the auxiliary source of water for these sprinklers is supplied by a 500 g.p.m. automatic steam fire pump which maintains a pressure of 120 lbs. at all times on the continuous circuit standpipe and sprinkler main; that this pump is connected to the same 6 inch city water main and 12,500 gallon suction tank in the basement of section 17 to which the house pump is connected; that this suction tank is always kept full at all times by a direct connection from the same 6-inch city water main; that there are ten street Siamese fittings connected directly to the 6 inch continuous circuit standpipe and sprinkler main in the basement; that the sprinkler system in basement of building section 18 (Planetarium), has an automatic supply of water from an independent 6-inch city water main; that this system was inspected and approved, and the building has a certificate of occupancy, City file copy No. 20630; that this system has no auxiliary supply; that the sprinkler system in the basement of building section 19, has an automatic supply of water from a 6-inch house service city water main and from a 5,000 gallon house tank

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located in the attic of section 19; that this system has no auxiliary supply; that the sprinkler system for film vaults in the attic of building section 11 is a separate system; that these sprinklers receive an automatic supply of water from two house tanks totalling about 3,000 gallons; that the house tanks are located in the attic of sections 6 and 4; that the auxiliary source of water for these sprinklers is provided by a separate street siamese located at the northwest corner of section 8; that the buildings in which the sprinkler violations were found, were erected before 1916 (except section 13, erected in 1932) and were installed at the time these buildings were erected; that the occupancy of these buildings is not a hazardous one; that standpipes (fire lines) are provided in all building sections with hose outlets on all floors; that the standpipe risers are connected to a 6 inch standpipe main, which forms a continuous circuit throughout the basements; that the standpipe (fire line) system is supplied by an 8,500 gallon house tank (5,000 gallons are reserved for fire protection); that pressure is maintained on the standpipe system at 120 lbs. at all times by means of a 500 gallon per minute automatic steam fire pump located in the basement of building section 17; that this pump is connected to a 6-inch city water main; that the pump also takes suction from a 12,500 gallon suction tank located in the basement of building section 17; that this suction tank is kept full at all times by a direct connection from the same 6-inch city water supply pipe and that there are ten street siamese connected directly to the 6 inch standpipe main, which forms a continuous circuit throughout the basements.

Resolved, that the decision of the fire commissioner, dated April 16, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the sprinkler system shall be separated from the standpipe system and that the sprinkler system shall be installed and maintained substantially as indicated on plan marked "Received October 13, 1943."

382-43-A

APPLICANT—Edmund L. Palmieri, Executor of Estate of John Palmieri, deceased owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—150 Ocean parkway, west side, 395 ft. south of Caton avenue (Block 5328, Lot 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama, Frank A. Barrera and Arthur Pomerant.

For Opposition: Harry Levine.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (382-43-A)

WHEREAS, Edmund L. Palmieri, applicant as Executor of Estate of John Palmieri, owner, filed July 29, 1943, an appeal from a decision of the borough superintendent; premises 150 Ocean parkway, west side, 395 ft. south of Caton avenue (Block 5328, Lot 30) Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent, dated July 29, 1943, re Alt. Applic. 2307-43, reads:

"1. Proposed change in occupancy of a frame building from one family to convalescent home is contrary to Sec. 4.2.1 and 4.1.3 of the Building Code as per Sec. 2.1.3.5 of the Building Code as a fireproof building is required."

and

WHEREAS, the applicant states the building is three stories, (35 ft.) in height, 35 ft. by 39 ft. in area; of Class 4 construction; erected in 1902; located on a plot 50 by 150 ft. in area; in a residence use, C area district; occupied as a one family dwelling; and proposed to be occupied as follows: cellar, boiler room, mortuary, 1 person; first floor, kitchen, pantry and 14 patients; second floor, 15 patients; third floor, office and attendants (no patients); and

WHEREAS, the applicant contends it is proposed to convert the building to a convalescent home; that the building is isolated and completely detached and will be provided with exit facilities in compliance with the requirements of the Building Code; that the owner proposes to lease the building for a period of five years to a prospective tenant with an option to purchase; that the proposed convalescent home will be operated in accordance with all laws, rules and regulations applicable thereto; and

WHEREAS, it is proposed to provide additional exits from grade and upper floors, as shown on plans filed with the Board, October 13, 1943; to insulate all exterior walls and stair hall partitions with rock wool packed to a density of not less than 6 lbs. per cubic foot; to install a wet sprinkler system connected to a new two inch domestic tap fed from Ocean parkway with heads in the main stair enclosure and in kitchen and pantry, as indicated on such plans filed October 13, 1943; to continue the existing $\frac{5}{8}$ inch tap to supplement the proposed new 2 inch water supply; to fire retard the entire cellar ceiling; to cover all floors with one-eighth inch linoleum; to install a fire alarm system; to provide 24-hour watchmen service with watchmen's stations located on all floors, supplemented by 24-hour nurses service; to provide such additional portable fire extinguishers as the fire commissioner may direct; to remove all combustible material and litter from the building and premises and maintain the building and premises in a clean and orderly condition and to use only metal furniture in the building.

Resolved, that the decision of the borough superintendent, acting on Alt. Applic. 2307-43, objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall not be increased in height or area; that the alterations and protection to the building shall be provided substantially as proposed and as indicated on revised plans filed with the Board marked "Received October 13, 1943"; that the building shall be occupied only as proposed and to the satisfaction of and under permit issued by the Department of Hospitals and as indicated on plans, with no patients located above the second floor; that the accessory building at the rear, a former stable, shall be occupied only as permitted under the Zoning Resolution as accessory to the residential building; that this variance shall continue for a term of five (5) years from the date of this resolution.

440-43-A

APPLICANT—George S. Stringer, for Ford Instrument Co., Inc., owner.

SUBJECT—Appeal from decisions of the acting borough superintendent.

PREMISES AFFECTED—43-16 Queens street, west side, 150 ft. south of Jackson avenue (Block 266, Lot 28), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: George S. Stringer and Rollin A. Caughy.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

MINUTES

THE RESOLUTION (440-43-A)

WHEREAS, George S. Stringer, for Ford Instrument Company, Incorporated, owner, filed on September 13, 1943, an appeal from decision of the borough superintendent, affecting premises 43-16 Queens street, west side, 150 ft. south of Jackson avenue (Block 266, Lot 28), Long Island City, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated August 20, 1943, on Alt. Applic. 1147-43, reads:

"1. Proposed change of occupancy of frame dwelling to office use is contrary to Sect. 4.2.1, and 4.1.5 of the Building Code.

2. Stair required to be 3 ft. 0 in. wide as per Sect. 6.4.1.2.

3. Stair required to be enclosed as per Sec. 6.4.1.8.1.

4. Stair required to go to roof Sect. 6.4.1.1.1.

5. Floors incapable of sustaining proposed live load of 50#.

1-M. Your request to convert from a frame multiple dwelling to other use, then back to a multiple dwelling after the war is in violation of Section 8 of the Multiple Dwelling Law."

and

WHEREAS, the decision of the borough superintendent dated August 18, 1943, on Misc. Applic. 2014-43, reads:

"Replying to your letter of August 16th in regard to change in use of frame building from multiple dwelling to guardhouse and office use, would say that this change constitutes a change in classification of building from residential to business use and the objection which you received on application Misc. #2014/43 is hereby sustained. Appeal from the Department's decision may be taken to the Board of Standards and Appeals for proposed use of this frame structure."

and

WHEREAS, the applicant states the building is 3 stories (34 ft.) 6 in. in height, 22 ft. 6 in. by 46 ft. 6 in. in area; of Class 4 construction; erected 1906; located in an unrestricted use A area district, on a lot 50 ft. by 100 ft. in area and occupied as a Class A Multiple Dwelling; Proposed to be occupied as follows: 1st floor, guard's headquarters, 10 persons; 2nd floor, guard's headquarters, 10 persons; 3rd floor, guard's headquarters, 10 persons; and

WHEREAS, the applicant contends that the building in question adjoins the Ford Instrument Company's Plant No. 3 and due to its strategic location with relation to the plant, it is proposed to maintain the building as a guard's headquarters; that the proposed occupancy will be less hazardous than the normal occupancy of the building as a multiple dwelling with its cooking and heating hazards; that the building will be equipped with all types of hand operated fire extinguishers, consisting of soda ash, carbon dioxide and tetra chloride extinguishers, water and sand pails, stirrup pumps and other fire fighting equipment; that the portions of the plant now used for guard's headquarters are urgently needed for manufacturing purposes; that it is proposed to make the necessary plumbing and structural repairs and to install a sprinkler head at each stair landing in the building in question that the proposed occupancy will impose no greater loading than required by the dwelling occupancy; that to meet the structural requirements for commercial occupancy, would involve the use of critical materials; that it is proposed to post each floor indicating the allowable loading in accordance with the existing design load; that the plants are engaged in the manufacture of confidential apparatus for the U. S. Navy and it is imperative that the use of the building in question be obtained for the guard forces.

Resolved, that the decision of the borough superintendent, acting on Alt. Applic. 1147-43, objections 1, 2, 3, 4 and 5, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall not be increased in height or area; that it shall be maintained for the purpose and use as occupied and proposed; that the existing stair and stairhall with stair to roof shall be maintained; that the existing stair partition on each floor shall

be maintained and the existing doors thereto made self-closing; that the sprinkler system shall be installed in the stairway as proposed, fed from the domestic water supply of the building, provided such water supply is not less than one inch in diameter; that such portable fire-fighting appliance shall be maintained as the fire commissioner shall direct; that the existing rear fire escape shall be maintained to grade with a gooseneck ladder to roof; that the floor loads shall be posted for not less than 40 pounds per superficial foot and the loading throughout shall at no time exceed this amount; and, *denied* as to objection 1-M.

690-41-A

APPLICANT—Benjamin Englander, (lessee), for Carolina Heinlein, owner.

SUBJECT—Application for consideration—reopening and extension of time to comply—Appeal from an order and decisions of the fire commissioner.

PREMISES AFFECTED—117-121 West 128th street, north side, 200 ft. west of Lenox avenue (Block 1913, Lots 20, 21 and 22), Borough of Manhattan.

APPEARANCES—

For Applicant: Paul Abrams and Benjamin Englander.

ACTION OF BOARD—Appeal reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (690-41-A)

WHEREAS, this appeal from an order and decisions of the fire commissioner, affecting premises 117-121 West 128th street, north side, 200 ft. west of Lenox Avenue (Block 1913, Lots 20, 21 and 22), Borough of Manhattan, was granted by the Board on April 28, 1942, on certain conditions, resolution amended on July 14, 1942 and the applicant requested an extension of time to comply with the conditions of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted April 28, 1942, as amended by resolution adopted July 14, 1942, by adding thereto:

"that the installation of the thermostatic alarm system hereinbefore required, may be postponed for six (6) months from the date of this *amended* resolution, provided that in all other respects, the requirements of the resolution are complied with."

698-42-A

APPLICANT—Cafiero and Lacerenza, for East New York Savings Bank, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from a decision re an order of the fire commissioner and a decision of the acting borough superintendent.

PREMISES AFFECTED—69-01 Metropolitan avenue and 66-79 69th street, northeast corner (Block 3050, Lot 49), Middle Village, Borough of Queens.

APPEARANCES—

For Applicant: William A. Lacerenza.

For Administration: Fred Dahlem. Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.... 4
Negative 0

MINUTES

THE RESOLUTION (698-42-A)

WHEREAS, this appeal from a decision re an order of the fire commissioner and a decision of the borough superintendent, affecting premises 69-01 Metropolitan avenue and 66-79 69th street, northeast corner (Block 3050, Lot 49), Middle Village, Borough of Queens, was granted by the Board on May 4, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted May 4, 1943, only so far as it has reference to the floor loading, so that as amended, the resolution shall read:

"Resolved, that the order of the fire commissioner, Order 90326-C, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall not be increased in height or area; that the factory shall be restricted to the second story space as proposed; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board, modifying the decision under Alt. Applic. 2125-42 and under Calendar Nos. 698-42-A and 136-43-S; that the objection of the borough superintendent acting on Alt. Applic. 2125-42, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the second story shall generally have a floor capacity per superficial foot of not less than 50 pounds and that where necessary for distributing the concentrated and impact load of machinery, the floor shall be reinforced to the satisfaction of the borough superintendent; that in all other respects, the requirements of the State Labor Law and all other laws, rules and regulations applicable thereto shall be complied with other than as modified by the Board under Cal. No. 136-43-S; that the boiler for service of pressing machines on second floor shown in space under the gasoline service station store shall be located in the main boiler room which shall be separated from all other parts of the building by 3-hour fire-proof construction and enterable only from the exterior of the building."

165-43-A

APPLICANT—Nick DeMartini, for Louisa DeMartini, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—150-01 Union turnpike, northeast corner of 150th street (Block 6712, Lots 16 and 17), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Nick DeMartini and Albert A. Dupont.

For Administration: Fred Dahlem Dep't of Housing and buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (165-43-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 150-01 Union turnpike, northeast corner of 150th street (Block 6712, Lots 16 and 17), Flushing, Borough of Queens, was granted by the Board on April 27, 1943, on certain conditions, resolution amended on October 5, 1943 and the applicant requested a further amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted on April 27, 1943, as amended on October 5, 1943, so that as amended, the resolution shall read:

"Resolved, that the decision of the borough superintendent, on N. B. Applic. 52-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the proposed building for housing chickens shall be constructed of the size and general design and construction as indicated on plans filed with the borough superintendent marked "Received April 5, 1943," *on condition* that such buildings shall be located parallel to the line of proposed 150th street as indicated on the affidavit form attached to Application 52, and located not nearer than 10 ft. to Union turnpike; that such building shall be located entirely within the business zone or within the chicken run or yard as permitted by the Board under Cal. 385-43-A, and no chickens shall be permitted to run loose on any other portion of the premises other than within the building herein permitted and such run or yard; that this variance is granted for a term of three (3) years from the date of this resolution and that in all other respects the building shall comply with all laws, rules and regulations applicable thereto *except that the use of beams and girders of the sizes shown on plans filed with the borough superintendent on amendment to N. B. Applic. 52-43 may be employed, provided such beams and girders are stiffened by bracing to the satisfaction of the borough superintendent* and permit shall be obtained and work completed within six months from the adoption of this amended resolution.

MATERIAL AND APPLIANCE SUBMITTED FOR APPROVAL

324-43-SM

APPLICANT—The Richmond Fireproof Door Co., owner.
SUBJECT—Richmond One and One-half Hour Flush Metal Clad Kalamein Fire Door (in Pairs), approval of.

APPEARANCES—

For Applicant: George S. Nobles.

ACTION OF BOARD—Material approved in accordance with report of the Committee on Tests.

THE VOTE TO APPROVE—

Affirmative Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.... 4
Negative 0

NOTE—The report of the Committee on Tests and the resolution of the Board relative to the approval of the Richmond One and One-half Hour Flush Metal Clad Kalamein Fire Door (in Pairs) will be printed in a subsequent issue of the Bulletin, pending the submission by the applicant of a drawing capable of reproduction for Figure 1, referred to in the report of the Committee on Tests. Prior to such publication this approval is not in effect.

386-43-SA

APPLICANT—Security Fire Door Co., owner.
SUBJECT—Security Fire Door Co. Type DLS Interlock, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appliance approved in accordance with report of the Committee on Tests.

THE VOTE TO APPROVE—

Affirmative Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.... 4
Negative 0

MINUTES

THE RESOLUTION (386-43-SA)

WHEREAS, the Security Fire Door Company, owner, filed on August 2, 1943, an application with the Board of Standards and Appeals for approval of the appliance known as the Security Fire Door Co. Type DLS Interlock; and

WHEREAS, this appliance was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

Re: Cal. 386-43-SA

Subject: Type DLS Interlock, approval of.
October 4, 1943.

The Security Fire Door Company, St. Louis, Missouri, filed an application with the Board of Standards and Appeals for the approval of their type DLS Interlock under the provisions of C26-178.0, b and C26-1179.0, Administrative Building Code.

Construction and Operation:

The DLS Interlock, Fig. 1, consists mainly of the cast iron case with suitable openings for conduit connections and hinged or pivoted contact lever mounted on the inside of the case to which is fastened the contact bar assembly on the one side and the contact lever hook on the other side. An insulating block with two contact posts is fastened on the inside of the case. This interlock is fastened to the one guide rail of vertical sliding door and is so set that as the door is moved to the closed position, the hooked or bent end of the door latch engages the contact lever, moving this lever to the closed position so that the contact bar engages the contact posts closing the interlock circuit. As the latch bar engages the contact lever and closes it, the latch bar enters the side of the interlock case which acts as a latch catch so that while this latch bar thus engages the case, the door is held in the locked position. The locking of the door takes place before the latch bar has moved the contact lever far enough to cause the contact bar to close the interlock circuit. The hooked or bent end of the latch bar engages the contact lever hook as the latch bar starts to move the contact lever and as the latch enters the interlock case. When the door is locked and contact is made, the moving of the elevator away from the floor causes the cam on the elevator to disengage the release lever of the interlock and as this release lever moves forward, the dog attached to the release lever shaft, moves back towards the back of the interlock case to the position where it engages or blocks the end of the contact lever. This latches the interlock and thereby also prevents the opening of the door latch as long as the interlock is latched. The movement of this dog to this position closes the upper or auxiliary contact in the interlock and this contact remains closed only as long as the dog engages or blocks the contact lever in the closed position. As the car comes to the floor and the retiring cam engages the release lever, it moves this lever back towards the wall, causing the dog to disengage the contact lever and as the dog is moved to the open position it breaks the circuit that is made through the upper contact, at the same time unlatching the interlock permitting the unlocking of the door. To do this the latch is disengaged from the interlock, the lower contact being opened before the door is actually unlocked. The interlock is provided with a safety stop bar which is hung on the side of the interlock case and is connected to the case by means of a hinged link. This safety stop bar is so set that when the door and interlock are open, this bar is in a retracted position and covers an opening in the side of

the interlock case through which an extension of the contact lever passes when lever is operated to close interlock circuit. As long as this safety stop bar is in the retracted position, the extension of the contact lever cannot be moved through the side of the case and this blocks it in the open position. Only when the door is closed and the chain rod arm of the door moves to the full closed position, is the safety stop bar moved upward and forward, clearing the opening in the side of the interlock case through which the contact lever extension may pass. Thus only after the door is closed can the latch bar move the contact lever to the point where contact is closed in the interlock.

Tests:

Tests on the DLS Interlock were made at the Underwriters' Laboratories, Report No. SA418, dated April 14, 1943, filed with this application. Tests on this Interlock having a rating of 250 volts were performed in accordance with the requirements provided under C26-1179.0, Administrative Building Code, as follows:

Endurance Test
Current-Interrupting Test
Test in Moist Atmosphere
Test without Lubricant
Misalignment Test
Insulation Test
Force and Movement Test

The manufacturer has also furnished a statement in accordance with C26-1179.0, a, wherein he certifies that the coefficients of thermal expansion of the parts comprising the Interlock will function at temperatures from 25 deg. to 140 deg. F.

RECOMMENDATIONS

On the basis of the foregoing data, the Committee on Tests recommends the approval of the DLS Interlock manufactured by the Security Fire Door Company under C26-191.0 as meeting the requirements of C26-1179.0 for use under Article 14, entitled "Elevators", Administrative Building Code, provided the Interlock is manufactured as described herein and that each device shall bear a tag, label or decalcomania reading as follows: "Approved by the Board of Standards and Appeals for use in New York City under Cal. 386-43-SA."

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on tests.

and

WHEREAS, this report recommended the approval of this appliance.

Resolved, that the Board of Standards and Appeals does hereby *approve* the appliance known as the Security Fire Door Co. Type DLS Interlock, *on condition* that the appliance be manufactured, installed, and labelled, stamped or tagged in accordance with the above report.

Adjourned: 3:30 P.M.

JOSEPH J. DOYLE, Chief Clerk.

MINUTES

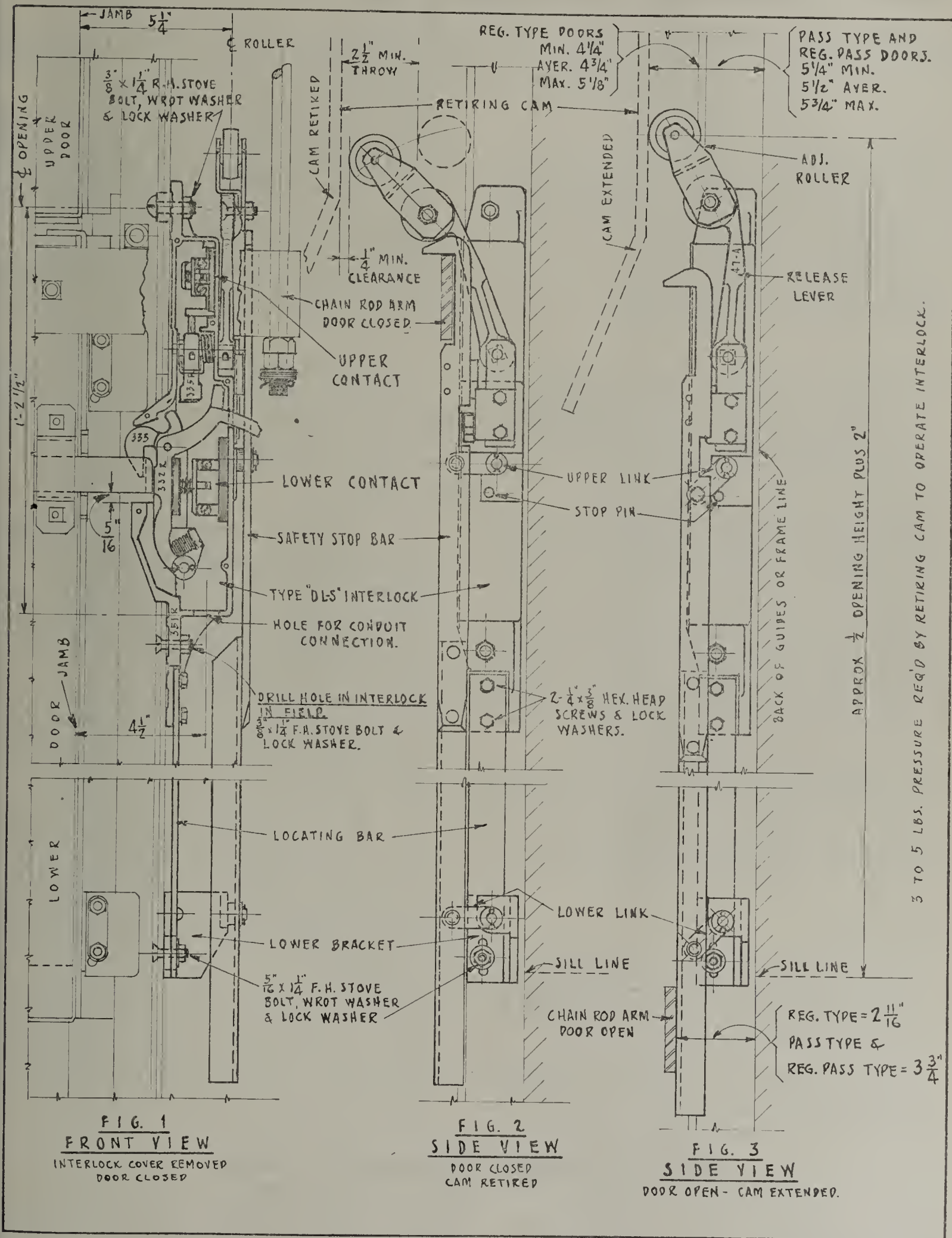


FIG. 1.

RULES

RULES FOR INSPECTION OF APPROVED OPENING PROTECTIVE ASSEMBLIES

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS OCTOBER 20, 1939. EFFECTIVE, IN ACCORDANCE WITH SECTION 665, SUBDIVISION C, OF THE NEW YORK CITY CHARTER, NOVEMBER 13, 1939.

(1139-39-SR)

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraph 2, Charter of the City of New York and C26-189.0 Administrative Building Code (2.2.1.1) and C26-610.0 Administrative Building Code (10.1.18) and C26-660.0, 661.0 and 662.0 Administrative Building Code (108.1, 2 and 3).

Note: Where reference in parenthesis appears after the Administrative Building Code section it refers to the section of the New Building Code as formerly numbered.

Rule 1 Scope.

1.1 Before any Opening Protective Assembly is used under the provisions of the Administrative Building Code, it shall be tested as required in Section C26-610.0 (10.1.18) and its Fire-Resistive Rating shall be designated as "¾-Hour", "1-Hour", "1½-Hour", or "3-Hour", in accordance with the approval.

1.2 Before engaging in the manufacture of approved opening Protective Assemblies, the manufacturer shall have an established plant completely equipped with the necessary facilities, machinery and tools for the manufacture of the Opening Protective Assemblies.

1.3 Before applying for approval of plant and permission to manufacture approved Opening Protective Assemblies, the manufacturer shall file a list of his equipment and facilities with the Board of Standards and Appeals, together with a statement of the name, type, specifications and details of the approved door, which he agrees to manufacture in accordance with the rules and regulations of the Board and the requirements of the Administrative Building Code.

1.4 All Opening Protective Assemblies made under any approval issued by the Board of Standards and Appeals for the manufacture of approved Opening Protective Assemblies of "¾-Hour", "1-Hour", "1½-Hour" or "3-Hour" rating shall be rejected on evidence that such Opening Protective Assemblies are not manufactured or labelled in accordance with the approved specifications of the Board.

Rule 2—Inspections.

2.1 No Opening Protective Assemblies shall be installed in any building until such Opening Protective Assemblies have been inspected and labelled either by the Borough Superintendent, or by a recognized testing laboratory or other qualified person or agency approved by the Board as having proper facilities.

2.2 Before issuing any label for the use of an approved Opening Protective Assembly, the authorized inspection agency shall first notify the Borough

Superintendent that inspection will be made by him of the materials and construction entering into the assembly of the Opening Protective Assemblies, stating the location of the premises where the Opening Protective Assemblies will be used, the Building Permit number, the name of the approved Opening Protective Assembly and the manufacturer and the number of such units to be manufactured.

Note: Where an Opening Protective Assembly is of fire-proofed wood, such wood shall be submitted to tests for fireproofed wood, as prescribed in the Administrative Building Code, Section C26-331.9 (7.2.3.1 to 7.2.3.9, inclusive).

2.3 After the materials have been cut and inspected, the authorized inspection agency shall inspect the assembly and fabrication of the parts and shall issue an approved label only if the completed Opening Protective Assemblies comply in all respects with the approved specifications on file in the Board of Standards and Appeals.

Rule 3—Labels.

3.1 Every approved Opening Protective Assembly before installation in a building under the provisions of the Administrative Building Code, shall have securely attached to it, a metal label of a design approved by the Board, giving the name of the Opening Protective Assembly, the calendar number of the approval of the device, the fire-resisting rating, the serial number of the specific type of door and buck, or window, the year of manufacture and the name of the inspection agency.

3.2 After attachment of the Serial Label to the Opening Protective Assembly, the inspection agency shall advise the Borough Superintendent the serial numbers, the address of the premises and the Building Permit numbers of the approved Opening Protective Assembly.

3.3 The manufacturer may also attach to the Opening Protective Assembly, a metal label giving the name and location of the manufacturer. He shall also keep an office record showing the location of each Opening Protective Assembly manufactured by him, its serial label number and the Building Permit number; and this record shall be open for inspection by any authorized representative of the Board of Standards and Appeals and the Department of Housing and Buildings.

3.4 Every labelled Opening Protective Assembly shall be constructed and installed in all essentials as tested and approved and arranged to receive hardware of an equal type, quality and material and requiring no greater cutting away of the wood or metal than on the approved Opening Protective Assembly, as tested.

FORMS FOR NOTICE TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such

copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

RULES

OIL BURNER RULES

(217-21-SR)

RULES COVERING THE INSTALLATION AND USE OF OIL BURNING EQUIPMENT AND THE STORAGE OF OILS USED IN CONNECTION THEREWITH

Adopted by the Board of Standards and Appeals June 15, 1934, Amended July 12, 1935, January 28, 1936, December 4, 1936, and July 1, 1941.

(Superseding Fuel Oil Rules adopted by the Board of Standards and Appeals, November 6, 1919; amended January 6, 1922; January 18, 1924; November 3, 1926; September 11, 1928; January 11, 1929; March 20, 1931; May 12, 1931; November 24, 1931; May 10, 1932; June 24, 1932 and November 4, 1932.

Authority: Section 666, paragraph 2 of the New York City Charter.

Rule 1. Scope.

- 1.1 No person shall install oil-burning, or oil-storage equipment for use within the City of New York except as provided in these rules.
- 1.2 These rules shall not apply to gas companies storing or using oil in the manufacture of illuminating gas for public use.

Rule 2. Definitions.

- 2.1 For the purpose of these rules the following terms shall be interpreted in accordance with these definitions:
- 2.2 APPROVED: Shall mean devices hereafter approved by the Board of Standards and Appeals and also, when required by the Board of Standards and Appeals, approved, listed as standard, and/or labeled by any nationally recognized standard testing laboratory not operated for commercial profit, provided all such devices are installed in accordance with these rules. Such approval is subject to suspension or revocation for non-compliance with these rules. All devices approved by the Board of Standards and Appeals prior to the adoption of these rules shall be accepted.
- 2.3 AUTOMATIC PUMP: Shall mean an automatic transfer pump operating independent of the burner to provide a continuous supply of oil.
- 2.4 BURNER: A device designed for the purpose of burning oil.
- 2.5 COMMERCIAL INSTALLATIONS: Oil burner installations in buildings, other than dwellings when used for heating and generation of power for use on premises.
- 2.6 CONTROLS: Such electrical or mechanical devices as are installed for the purpose of providing safe and continuous operation.
- 2.7 DISCHARGE LINE: That portion of the line between the discharge outlet of the pump and the burner oil inlet connection.
- 2.8 DOMESTIC INSTALLATIONS: Oil burner installations installed in dwellings as defined in these rules.
- 2.9 DWELLINGS: Buildings used exclusively for dwelling purposes and occupied by one or two families, including convents, rectories and monasteries.
- 2.10 ELECTRICALLY GROUNDED: For protection against lightning shall mean storage tanks set directly in or on the ground and/or with under-

ground piping connections. Where storage tanks without underground piping connections are built on bases above the surface of the earth, such storage tanks shall be grounded at two (2) points 180° (degrees) apart as follows:

- 2.10.1 The conductor from tank to ground connection shall be of copper not smaller than No. 6 (.162") A.W.G. wire, or pipe not less than one-half inch ($\frac{1}{2}$ ") in diameter.
- 2.10.2 One end of conductor shall be permanently and electrically bonded to tank. The other end shall be bonded to a ground connection consisting of a water pipe or a rod, pipe or plate having a surface area of not less than one hundred and ninety (190) square inches, buried in moist earth not less than two feet (2') below the surface of the earth.
- 2.11 FILL PIPE: That portion of the line between the fill pipe terminal and the fill pipe connection in the storage tank.
- 2.12 FIRE RETARDING MATERIALS:
 - 2.12.1 One-half ($\frac{1}{2}$) inch plaster boards, or asbestos boards, or three-eighths ($\frac{3}{8}$) inch gypsum wall boards weighing not less than 16 pounds per square yard with pointed joints covered with No. 26 U. S. gauge sheet metal with one (1) inch lapped seams nailed to the wood beams when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are spaced more than sixteen (16) inches on centers, or
 - 2.12.2 Two thicknesses of one-quarter ($\frac{1}{4}$) inch asbestos boards laid with tight staggered joints and nailed to the beams, when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are more than sixteen (16) inches on centers, or
 - 2.12.3 Metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters ($\frac{3}{4}$) inch thick.
 - 2.12.4 Note—All fire retarding material to be applied as required in rules for fire retarding material of the Board of Standards and Appeals.
- 2.13 GROUND: An electrical conductor having capacity to absorb current.
- 2.14 INDUSTRIAL INSTALLATIONS: Oil burner installations for industrial purposes.
- 2.15 OIL: Any liquid mixture, substance or compound derived from petroleum, including kerosene and fuel oil as defined in C19-2.0 of the Administrative Code and Rule 3.
- 2.16 OIL BURNING EQUIPMENT: Any device including burners, oil burning heaters, internal combustion engines used for heating, power or other purposes designed for and/or using oil as defined in these rules.
- 2.17 OIL LEVEL INDICATING DEVICE: A means by which the level of the oil in a storage tank may be indicated.
- 2.18 OVERFLOW PIPE: A pipe which conveys, by gravity, the oil from the maximum level of an auxiliary tank to the storage tank or from the pump to the storage tank.

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- 2.19 PERMANENT DEFORMATION: Wherever phrase, "without permanent deformation," is used in these rules it shall mean that the tanks or containers shall, after release of test pressure, resume their original size and shape.
- 2.20 PERMIT: Shall mean permit for storage of oil.
- 2.21 PORTLAND CEMENT CONCRETE: Shall mean a mixture of one (1) part cement and not more than two and one-half ($2\frac{1}{2}$) parts sand and five (5) parts of coarse aggregate and complying in all other respects with the requirements of C26-311.0 of the Administrative Building Code.
- 2.22 PREHEATER: A device designed for heating oil for the purpose of decreasing the viscosity.
- 2.23 RELIEF VALVE: A valve held shut by a spring or other means of automatically relieving pressure in excess of its setting.
- 2.24 RELIEF LINE: That portion of the line between the bypass connection of the relief valve and the supply line or storage tank.
- 2.25 REMOTE CONTROL: A hand, electric, or mechanically-operated device to shut off the oil supply. A thermostat is not acceptable as a remote control.
- 2.26 SCAVENGING LINE: A line installed to permit the removal of water or foreign matter from a storage tank.
- 2.27 SHOP FABRICATED: Shall mean completely built in the shop of the tank manufacturer.
- 2.28 SHUT-OFF VALVE: A device that can be actuated to prevent the flow of liquid in a line of pipe.
- 2.29 STORAGE CONTAINER: Any container for oil connected to a burner or oil-burning heater and having a capacity of six (6) gallons or less.
- 2.30 STORAGE TANK: Any tank for oil having a capacity of two hundred and seventy-five (275) gallons or more, having a fill line and vent line connected thereto.
- 2.31 STORAGE TANK, AUXILIARY: Any container for oil having a capacity of not over 60 gallons and used as an intermediary tank for gravity feed and equipped with an automatic or manually operated pump.
- 2.32 SUPPLY LINE: That portion of the line between the storage tank and the pump oil inlet connection or hand valve. Where a pump is not used, it shall be that portion of the line between storage tank and burner and burner oil inlet connection or hand valve.
- 2.33 TEST WELL: An opening in the top of the storage tank or a straight pipe connected to such opening through which a gauge stick may be inserted into the storage tank.
- 2.34 TRANSFER PUMP: An oil pump that is not an integral part of the burner and which is installed between storage tank and burner.
- 2.35 VENT PIPE: That portion of the line between vent pipe terminal and vent pipe connection in the storage tank.

Rule 3. Oil Permitted.

- 3.1 Oil permitted under these rules shall be any hydrocarbon oils free from acid, grit and fibrous or other foreign matter. The fuel oils shall be classified as provided in Commercial Standard CS12-38 U. S. Department of Commerce, and shall have a flash-point not lower than 100 degrees Fahrenheit when tested in a Pensky-Martens closed cup tester

(American Society for Testing Materials Method D-93-36) and marketed under the following commercial grades:

Range Oil	
No. 1 Fuel Oil	
No. 2	" "
No. 3	" "
No. 4	" "
No. 5	" "
No. 6	" "

- 3.2 The use of crankcase refuse oil as fuel oil is strictly prohibited.

Rule 4. Standards For Approval of Oil Burners by the Board.

- 4.1 Approved burners, including oil-burning heaters, shall be an assembly of approved parts suitable for use with each other for the service intended, as approved, such burners shall be provided with suitable safeguards to prevent abnormal discharge of oil.
- 4.1.1 When assembled each burner shall be tested for defects and proper functioning throughout its operating range. Parts shall be so designed as to maintain alignments and to permit interchangeability.
- 4.1.2 The CO_2 in the flue gas shall be maintained at not less than 8% without smoking and throughout the operating range of the capacity of the burner when tested.
- 4.1.3 Flexible tubing used as an integral part of burner shall be not longer than 72 inches and of an approved type.
- 4.2 Approval of burners or oil-burning heaters designed for installation with storage of not more than six (6) gallons shall include approval of storage containers and limitations of installation. If more than six (6) gallons' storage is desired for such burners or oil-burning heaters, a storage tank shall be installed as provided for in these rules. Portable containers of not more than six (6) gallons' capacity may be filled from such storage tanks by means of an approved hand pump located above the top of the tank.
- 4.3 The requirements of these rules shall not apply to the use and installation of portable burners not requiring a connection to a flue where such burners are of the type commonly used for household purposes including oil stoves, oil heaters and oil lamps equipped with a woven wick, nor do the requirements of these rules apply to such portable apparatus such as blow torches, soldering pots, tar heaters, snow melters, etc.

Rule 5. Material and Construction of Tanks.

- 5.1 Cylindrical Tanks (except vertical tanks located outside of buildings above ground).
- 5.1.1 All tanks for the storage of fuel oil shall be built of steel plates made by the open hearth process and known to the trade as "tank steel." Such plate shall be free from physical imperfections, such as laminations, cracks, mill scale, etc. All steel must be new in good condition and free from rust. The thickness of steel required and the size and spacing of rivets shall be as stated in the table given below.
- 5.1.2 All tanks shall be welded or riveted and caulked, or riveted and welded. Flanges or other pipe connections may be welded. All caulking shall be done with round nose tools and without injury to the plates. Filler of any kind between plates is prohibited.

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5.1.3 Thickness of cylindrical tanks, except tanks of 275 gallons capacity or less:

Tanks 36 in. in diameter and less— $\frac{1}{4}$ in. shell, $\frac{1}{4}$ in. heads.

Tanks 37 to 72 in. in diameter— $\frac{1}{4}$ in. shell, $\frac{5}{16}$ in. heads.

Tanks 73 to 120 in. in diameter— $\frac{5}{16}$ in. shell, $\frac{3}{8}$ in. heads.

Tanks over 120 in. in diameter to be of $\frac{3}{8}$ in. steel and to be stiffened by angle rings or equivalent members so as to retain their cylindrical form.

5.1.4 All cylindrical, oval or obround storage tanks shall have dished heads with a curvature the radius of which is not greater than the diameter of the tank. Dished heads shall be formed with an adequate cylindrical extension rim to provide welding or riveting surface. Should flat heads be used they shall be braced in the same manner as described for the bracing of flat sides of rectangular tanks.

5.1.5 Diameter and spacing of rivets:

Riveting in single lap seams shall not exceed a pitch as follows:

In shell $\frac{1}{4}$ in. thick, $\frac{5}{8}$ in. in diameter rivets $2\frac{1}{4}$ in. pitch.

In shell $\frac{5}{16}$ in. thick, $\frac{5}{8}$ in. in diameter rivets $2\frac{3}{8}$ in. pitch.

In shell $\frac{3}{8}$ in. thick, $\frac{3}{4}$ in. in diameter rivets $2\frac{1}{2}$ in. pitch.

5.2 Rectangular Tanks.

5.2.1 All rectangular tanks shall be built of steel plates of the quality required for cylindrical tanks, and of a thickness of not less than $\frac{5}{16}$ of an inch.

5.2.2 Corners may be made up by bending the plates or by use of angles.

5.2.3 Rivets in seams shall be $\frac{5}{8}$ of an inch in diameter and spaced not more than $2\frac{1}{4}$ inches center to center.

5.2.4 All flat surfaces of rectangular tanks are to be braced. Bracing shall be done either by using structural steel members which will act as girders and which will safely carry the load with a factor of safety of five (5), or by using bars from side to side, end to end and top to bottom of the tanks as the case may be.

5.2.5 When structural steel members are used such as angle, channels or beams, etc., the distance from center to center of the rivet lines on these members must not be in excess of twenty-four inches, and the rivet spacing must be such that it will develop the full strength of the members. In no case shall the rivets be in excess of six (6) inches center to center on these members.

5.2.6 When structural steel reinforcing members are tied together with braces in order to reduce the effective length, the braces shall not be stressed higher than nine thousand (9,000) pounds per square inch taken in the minimum net section.

5.2.7 If structural steel members are omitted and the sides of the tank are braced by means of rods or bars, these members should not be spaced farther apart than twenty-four (24) inches center to center in all directions. The unit stress permitted in these members shall not be in excess of nine

thousand (9,000) pounds per square inch on the minimum net section.

5.2.8 The connection between these members and the sides of the tank must in all cases be such that it will develop the full net sections of the bars so that the bar will break before the connection will let go.

5.3 All Tanks Except Vertical Above-Ground Storage Tanks.

5.3.1 All storage tanks for oil of two hundred and seventy-five (275) gallons' capacity or less, except buried tanks, shall have a minimum thickness of shell and head plates of manufacturers Standard 10 gauge (.134"). Auxiliary storage tanks of 60 gallons or less shall be similarly constructed but need not be of a gauge thicker than U. S. Standard No. 14.

5.3.2 At time of installation all storage tanks shall bear a permanently fixed plate, spot-welded or equivalent, bearing the name of tank manufacturer, the gauge of material and capacity of tank. All shop fabricated storage tanks shall be installed without structural alteration.

5.3.3 All openings shall be through the top of the storage tank except that storage tanks of 275-gallons may be provided with a three-quarter inch ($\frac{3}{4}$ ") opening for gravity discharge and a one-inch (1") opening in the bottom for cleaning and protection against corrosion.

5.3.4 All buried storage tanks shall have a thorough coating on the outside of two coats of red lead protected by hot tar, asphaltum, or other equivalent rust-resisting material. All such tanks shall be electrically grounded.

5.3.5 Manholes; Tanks for oils having a viscosity less than 500 sec. Saybolt Universal at 100° F. need not have manholes; where used for such oils the manhole covers shall be bolted and made gastight; where used for oils having a viscosity greater than 500 sec. Saybolt Universal at 100° F. (No. 5 or No. 6 Commercial Standard grades) shall have manhole covers bolted or otherwise secured to the tanks and kept hydrostatically tight at all times.

5.4 Vertical Storage Tanks Over 1,000 Gallons Capacity Located Outside of Building Above Ground.

5.4.1 Vertical tanks located outside of buildings above ground shall be built of steel plates of the quality required for cylindrical tanks.

5.4.2 The minimum thickness of shell or bottom plates shall be $\frac{1}{4}$ inch and the minimum thickness of roof plates $\frac{1}{8}$ inch. The thickness of shell plates shall be figured in accordance with the following formula:

$$t \text{ equals } \frac{P \times r \times F}{T \times E}$$

P equals head pressure at bottom of ring under consideration.

R equal radius of shell in inches.

F equals factor of safety (taken as 5).

T equals tensile strength of plate in pounds per square inch (55,000 pounds per square inch).

E equals efficiency of vertical joint in ring under consideration (calculations to be based on formulas as given in Bulletin No.

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14 of the New York State Industrial Commission).

5.4.3 Roof plates shall have single riveted watertight seams and the roof shall be built to shed water. Bottom plates shall have single lap riveted seams. Shell plate seams shall be designed with proper efficiency to meet requirements of above formulas for shell plates.

5.4.4 In all cases, steel tanks for the storage of fuel oil must be built metal to metal. No filler of any kind will be permitted.

5.5 Storage Containers.

5.5.1 Storage containers for oil of six (6) gallons capacity or less used in connection with burners or oil-burning heaters shall be designed to withstand a hydrostatic pressure test of five (5) pounds per square inch without permanent deformation, rupture or leakage and shall be approved as provided in Rule 4.2. Glass storage containers shall not exceed three gallons capacity, protected with a metal jacket provided with hand grips and designed to be rigidly fastened to stand or wall and shall be approved as provided in Rule 4.2.

Rule 6. Location of Tanks.

6.1 Inside of Buildings, Above Ground.

6.1.1 Storage tanks having a capacity of two hundred and seventy-five (275) gallons and auxiliary tanks may be installed above ground in or on the lowest story of a building, provided such tanks shall be mounted on substantial incombustible supports, with tank permanently attached thereto, and located not less than seven feet (7') of clear unobstructed space measured horizontally from any furnace or source of exposed flame unless tank is protected as provided for in Rule 6.1.2. Such storage tanks inside buildings shall have an individual capacity of not more than two hundred and seventy-five (275) gallons capacity and not more than one such tank shall be connected to one burner. Not more than two (2) two-hundred-and-seventy-five (275) gallons storage tanks shall be installed in a building above ground without protection as provided for in Rule 6.1.2.

6.1.2 Storage tanks having a capacity of more than two hundred and seventy-five (275) gallons, when installed inside of buildings, shall be located on the lowest floor level and all portions of such tanks above the floor shall be protected by a continuous jacket of not less than four inches (4") of Portland cement concrete reinforced with not less than No. 20 gauge steel wire cloth 2" x 2" mesh, and extending at least four inches (4") beyond the horizontal outline of tank in all directions, with weep holes along the bottom one inch in diameter not more than 3 ft. apart.

Each storage tank may be placed in a protective enclosure having solid masonry walls not less than eight inches (8") in thickness and of dimension not less than fifteen inches (15") greater on all sides than the outside dimensions of the storage tank. The walls of the enclosure shall be carried up to a height not less than two feet (2') above the top of the tank. A fireproof access door shall be installed in the enclosure above the point

where the enclosure has a capacity equal to the tank; and for each additional 10 feet or fraction thereof by which the longest inside dimension of the enclosure exceeds 35 feet an additional fireproof access door shall be similarly installed at one or more intervals of not less than 10 feet. The ceiling above the tank enclosure shall be either fireproof or fire-retarded.

6.1.3 The capacity of individual storage tanks located inside of buildings shall not exceed twenty thousand (20,000) gallons.

6.1.3.1 All buried storage tanks shall be constructed of metal not less than $\frac{1}{4}$ " in thickness.

6.1.4 All storage containers used in connection with burners or oil-burning heaters shall be installed in a substantial and workmanlike manner with rigid metal fasteners to wall or floor and protected against mechanical injury.

6.2 Inside of Buildings, Below Ground.

6.2.1 Storage tanks having a capacity of 275 gallons or more may be buried inside a building with the top of the tank not less than two feet below floor level. In lieu of two feet of earth over the tank, the tank may be covered by concrete flooring equivalent to the basement floor but not less than the equivalent of 4 inches of reinforced Portland cement concrete with not less than No. 20 gauge steel wire cloth 2" x 2" mesh. Tanks shall be placed in firm soil and shall be surrounded by clean sand or well tamped earth, free from ashes or other corrosive substance, and free from stones larger than will pass through a one-inch mesh. When necessary to prevent floating, tanks shall be securely anchored. Storage tanks buried below the floor, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust-resisting material.

6.2.2 Storage tanks buried below the floor shall not be less than $\frac{1}{4}$ " in thickness.

6.2.3 No tank shall be buried so as to be nearer than three feet to any foundation wall or foundation footing.

6.3 Outside of Buildings, Below Ground.

6.3.1 Storage tanks located outside of buildings, below ground, shall be buried with the top of the tank not less than two feet (2') below the natural grade of the surface of the ground. Tanks shall be placed on firm soil and shall be surrounded by clean sand or well tamped earth, free from ashes or other corrosive substance, and free from stones larger than will pass through a one-inch (1") mesh. When necessary to prevent floating, tanks shall be securely anchored.

6.3.2 No tank shall be buried so as to be nearer than 3 feet to any foundation wall.

6.3.3 All buried storage tanks larger than two hundred and seventy-five (275) gallons, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two (2) coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust-resisting material. All tanks shall be electrically grounded.

6.3.4 All buried storage tanks shall be constructed of metal not less than $\frac{1}{4}$ " in thickness.

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6.4 Outside of Buildings, Above Ground.

6.4.1 Storage tanks located outside of buildings above ground shall be not less than one and one-quarter ($1\frac{1}{4}$) tank diameters and in no case less than ten feet (10') from the line of adjoining property, the nearest building or adjacent tank. Such tanks shall be electrically grounded. The maximum capacity of individual tanks located outside of buildings above ground shall be fixed by the following schedule:

If distant 25 feet from line of adjoining property which may be built upon	16,000 gallons
If distant 30 feet.....	24,000 "
If distant 40 feet.....	36,000 "
If distant 50 feet.....	48,000 "
If distant 60 feet.....	60,000 "
If distant 75 feet.....	96,000 "
If distant 85 feet, or more	100,000 "

6.4.2 Each such storage tank shall be protected by an embankment or a dyke. Such protection shall have a capacity of not less than one and one-half ($1\frac{1}{2}$) times the capacity of the tank so surrounded and shall be at least four feet (4') high but in no case higher than one-fourth ($\frac{1}{4}$) the height of the tank when the height of the tank exceeds sixteen feet (16'). Embankments or dykes shall be made of earthwork with clay core; or of masonry, or of impervious reinforced concrete. Earthwork embankments shall be firmly and compactly built of good earth; free from stones, vegetable matter, etc., and shall have a flat section at the top of not less than three feet (3') and a slope of at least one and one-half ($1\frac{1}{2}$) to two (2) on all sides. Concrete or masonry dykes shall be so designed as to safely carry the entire volume of the oil in the tank so surrounded. Embankments or dykes shall be continuous and unpierced. C-19-50.0 of the Administrative Code.

6.4.3 All above ground storage tanks larger than two hundred and seventy-five (275) gallons, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two (2) coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust-resisting material. All tanks shall be electrically grounded.

6.5 Tanks Located Along Line of Subways.

6.5.1 Along the line of subways no tank shall be placed within twenty feet (20') of any wall, separating a building from the subway, and, where practicable, tanks shall be placed in a lower position than the roadbed of the subway, except as may be modified in specific instances by the Board of Standards and Appeals.

Rule 7. Piping.

7.1 Installation of Piping and Tubing.

7.1.1 Piping and tubing shall be run in a substantial and workmanlike manner. Exposed piping shall be protected against mechanical injury and shall be securely supported with rigid metal fasteners or hangers. All pipes connected to buried tanks except test well piping shall be provided with double swing joints at tank.

7.1.2 Only new standard full-weight iron, steel or brass pipe, or new extra-heavy copper brass or aluminium alloy tubing, properly marked and duly approved, may be used. Drawn metal tubing when used for conveying oil, shall be adequately protected. Such tubing unless protected against mechanical injury shall be used only in the same room in which the burner is installed. Drawn tubing when used in domestic installations shall be not less than three-eighths inch ($\frac{3}{8}$ ") inside diameter up to shut-off valve at burner. Soldered connections are prohibited.

7.1.3 Overflow pipes where installed shall not be smaller in size than the supply pipe.

7.2 Relief Valves.

7.2.1 Where a shut-off valve is installed in the discharge line from an oil pump a relief valve shall be installed in the discharge line between the pump and the first shut-off valve.

7.2.2 Oil preheaters shall be of approved type and provided with a relief valve to prevent excessive oil pressure. Oil preheaters shall not be installed in the steam or water space of the boiler.

7.2.3 Relief valves shall be set to discharge at not more than one and one-half ($1\frac{1}{2}$) times the maximum working pressure of the system. The discharge from relief valves shall be returned to storage tank or to the supply line. There shall be no shut-off valve in the line of relief.

7.3 Vent Pipe.

7.3.1 An open vent of iron or steel, without trap, and draining to the tank, shall be provided for each storage tank. The lower end of the vent pipe shall not extend through the top of the storage tank more than one inch (1"). Cross connection between vent pipe and fill pipe is prohibited.

7.3.2 Where a battery of storage tanks, designed to hold the same grade of oil, is installed, vent pipes may be run into a main header.

7.3.2.1 The area of the header and common vent shall be equal to the sum of the areas of the vent pipe.

7.3.3 Vents shall be not less than one and one-quarter inches ($1\frac{1}{4}$ ") in diameter for storage tanks up to 1,100 gallons' capacity and not less than two inches (2") in diameter for storage tanks of 1,100 gallons and more. Vents for auxiliary storage tanks shall not be less than $\frac{1}{2}$ inch in diameter and may be run into the storage tank vent.

7.3.4 Vent pipes shall be provided with weather-proof hoods and shall terminate outside the building not less than two feet (2') from any building opening and not less than two feet (2') nor more than twelve feet (12') above the fill pipe terminal, except as may be otherwise approved by the Board. When such openings are fixed and constructed of incombustible materials they shall not be deemed openings within the intent of this rule. If the vent pipe terminal is not visible from the fill pipe terminal location, a one-inch (1") line shall be connected to tank and shall parallel the fill pipe and terminate at the fill pipe terminal with unthreaded end. Such tell tale lines shall be provided with a check valve set to prevent flow of surface water to storage tank.

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7.4 Fill Pipes.

- 7.4.1 Fill pipe shall terminate outside the buildings with the fill pipe terminal located at or above grade at least two feet (2') of any building opening or subway grating at or below the level of the fill pipe terminal. No fill pipe shall be less than 2 inches in diameter.
- 7.4.2 Each storage tank shall be provided with a separate fill pipe except where a battery of tanks is installed, containing the same grade of oil, a common fill and header pipe may be installed provided the area of common header pipe is no smaller than the largest branch fill pipe. When different grades of oil are piped to separate tanks from a common fill line, each branch fill pipe shall be provided with a shut-off valve.
- 7.4.3 Where the top of the storage tanks is above the fill pipe terminal the fill pipe shall be connected to the top of the tank and be provided with a shut-off valve and a swing check valve which shall be located at the fill pipe terminal.
- 7.4.4 All fill pipe terminals shall be of approved type constructed of a suitable material, provided with lugs for imbedding in concrete or in lieu thereof a set screw to fasten terminal to fill pipe. The outer flange of the fill pipe terminal shall be provided with letter reading "Fuel Oil" and the calendar number under which the fill pipe terminal has been approved. The fill pipe terminal shall be separately threaded to receive the seal cap and the fill pipe. The seal cap shall be suitably threaded and slotted for a special opening wrench. An oilproof gasket inserted in a groove in the fill pipe terminal shall be provided so as to render the fill pipe terminal leakproof. A strainer is not required but if used must be of not less than $\frac{1}{8}$ inch mesh. Where there is a storage system of volatile inflammable oil and a storage system for fuel oil to be used in the same premises, the terminal of fuel oil fill pipe shall be provided with a left-handed thread, and the fill pipe fitting shall be of a different size than that required for the fill pipes to gasoline tanks.

7.5 Heating Coils in Storage Tanks.

- 7.5.1 All heating to reduce viscosity of oils in storage tanks shall be only by means of hot water or low pressure (ten (10) pounds per square inch maximum) steam coils or electric heaters approved for oil storage tanks.

7.6 Scavenging Line.

- 7.6.1 When a scavenging line is installed it shall terminate outside of the building and shall be capped oil tight when not in use.

Rule 8. Valves and Control of Oil Flow.

- 8.1 Each supply line from storage tanks of two hundred and seventy-five (275) gallons' capacity and from auxiliary storage tanks shall be provided with a shut-off valve at the tank and at the burner and when connected to burners designed for gravity feed, shall be provided with an approved constant level device.

- 8.2 Each supply line for storage tanks of more than two hundred and seventy-five (275) gallons' capacity, shall be provided with a shut-off valve at the burner and where the top of the tank is above the oil inlet connection to the burner and/or transfer pump, shall be provided with an approved anti-syphon device located at the highest point in supply line, except that where heavy oil (No. 6 Commercial Standard Grade) having a viscosity of one hundred (100) seconds or more Saybolt Furol at one hundred and twenty-two degrees Fahrenheit 122° F.) is used, the anti-syphon device shall not be required.

- 8.3 Except as may be modified in specific instances by the Board of Standards and Appeals, oil from storage tanks of two hundred and seventy-five (275) gallons' capacity or more may be delivered to burners installed above the lowest floor of a business building only under the following provisions:

- 8.3.1 Plans for such installations shall be submitted for approval to the administrative official having jurisdiction before such installation is made.

- 8.3.2 Such burners shall not be installed in any story of any building the floor of which is more than fifty feet (50') above the street level. Only one oil delivery line shall be installed for each floor.

- 8.3.3 Oil delivery lines to burners located above the lowest floor of a building shall not be larger than two inches (2") iron pipe size.

- 8.3.4 The pressure in oil lines to burners located above the lowest floor of a building shall not be more than is necessary to deliver oil to the burners and such pressure shall not in any case exceed thirty (30) pounds per square inch. With each automatic burner there shall be installed and maintained in good working order a set of suitable safety controls of the electric or mechanical type. The proper control for each burner is to be listed in the resolution under which the burner is approved. The controls are to provide the following functions:

Temperature control	
Ignition	"
Stack or	
Combustion	"
Pressure	"
Gravity	"

- 8.4 A remote control shall be provided whereby the flow of oil to any burner can be stopped, and such remote control shall be located outside the entrance to the room in which the burner is located and as close to such entrance as practical, except when outside location is impracticable such control may be located immediately inside the room in which the burner is located if such location is accessible at all times. All such controls shall be legibly labeled "Remote Control for Oil Burner." On auxiliary storage tanks used with manually operated burners such remote control may be installed on feed lines between tank and burner.

- 8.5 Except as provided by Rule 4.2 of these rules for approved combination burner and storage container devices, pressure in storage tank or container for the purpose of discharging oil is prohibited.

- 8.6 In system where either steam or air is used for atomizing the oil, the oil and the atomizing supply shall be interlocked, so that in case of the inter-

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ruption of the atomizing supply, the supply of oil will immediately be cut off. Except that this requirement shall not apply to air and oil supply units directly connected to a common driver.

Rule 9. Oil Level Indicating Devices and Test Wells.

- 9.1 All tanks located inside of buildings shall be provided with an oil level indicating device. Test wells shall not be permitted in tanks located inside of buildings. Unused tank openings shall be permanently sealed to prevent removal of plugs or cover.
- 9.2 Oil level indicating devices shall be constructed of substantial materials so designed that there can be no leakage of oil or oil vapor.
- 9.3 Test well shall be capped oil tight and kept closed when not in use.

Rule 10. Permits, Plant, Inspection and Tests of Storage Tanks and Piping.

10.1 Permits.

- 10.1.1 No oil installation of more than six (6) gallons' capacity shall be operated until after a permit has been issued by the Fire Commissioner.
- 10.1.2 Applications for permit shall be made by the installer who holds a certificate or license issued by the Fire Commissioner on forms furnished by the Fire Commissioner and shall provide for the location of the building in which the installation is to be made, name and address of owner and/or occupant, name and address of installer, make and approval number of burners, pumps and other devices, capacity number and location of storage tanks, together with approval of such proposed installation by the Borough Superintendent of Buildings when required under Rule 10.2.
- 10.1.3 No permit shall be issued by the Fire Commissioner until the installation has been inspected by his representative and the installer has furnished an affidavit that the CO₂ content of the flue gas by actual test of the completed installation is not less than 8 per cent without smoking.

10.2 Plans to be Filed Where Structural Considerations Are Involved.

- 10.2.1 The installer shall file with the Borough Superintendent of Buildings plans showing the size and location of all storage tanks having a capacity greater than 275 gallons where such tanks are to be installed either inside of buildings in or below the lowest floor level or outside of buildings below ground. Plans, however, shall be filed where 275 gallon tanks are to be buried and for all multiple dwellings and for all places of public assembly. All plans, as in this section required, shall be certified to the Fire Commissioner by the Borough Superintendent of Buildings before any work is started. All such plans shall show compliance with all structural requirements and shall show all salient features of the installation. Plans shall also be approved by the Board of Transportation for all tanks

located in or outside of buildings along the line of subways under the limitation in Rule 6.5.1.

10.3 Inspection and Tests of Installations of Storage Tanks and Piping.

- 10.3.1 Storage tanks of approved type and not exceeding two hundred and seventy-five (275) gallons' capacity and all piping for oil connected thereto shall show no leakage when tank and all piping for oil is completely filled with oil when subjected to a test of 10 pounds per square inch for a period of ten (10) minutes in installations in multiple dwellings, places of public assembly and amusement, except that no tests shall be required for installations in occupancies not specifically mentioned herein.

- 10.3.2 Storage tanks of more than two hundred and seventy-five (275) gallons' capacity and all piping for oil connected thereto shall show no change in shape, rupture or leakage when subjected to a hydrostatic test with water or oil as follows:

- 10.3.2.1 Oval, obround, rectangular and specially shaped storage tanks and piping connected thereto, twenty-five (25) pounds per square inch.

- 10.3.2.2 Cylindrical storage tanks and piping connected thereto, fifty (50) pounds per square inch.

Pressure shall be applied for a period of thirty minutes. When oil is used there shall be no fire or flame in the room or rooms in which the test is being conducted. All tests shall be conducted in the presence of a representative of the Fire Commissioner. The contractor shall furnish all necessary equipment for conducting tests. Such test may be made with oil in freezing weather for tanks located outside of building.

- 10.3.3 Defective tanks, if repaired by welding, shall have all oil removed and shall be purged of all explosive gases or vapors.

- 10.3.4 The anti-syphon devices, where used as provided for in these rules, shall be approved devices.

- 10.3.5 All piping conveying oil from a transfer pump to a burner subjected to a pressure in excess of 50 lbs. per sq. inch shall be tested for a pressure of 1½ times the working pressure.

10.4 Fee for Permit and Test of Storage Tanks and Piping.

- 10.4.1 When application for permit is made, as provided for in Rule 10.1, a fee covering the permit shall be paid in accordance with the schedule given in the Administrative Code.

Rule 11. Inspection of Installations With Not More Than Six (6) Gallons' Storage Capacity.

- 11.1 All installations of burners with not more than six (6) gallons' storage capacity except where such installations are made in dwellings shall be

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reported by installer to the Fire Commissioner giving location of building in which installation is made, name and address of owner and/or occupant, name and address of installer and the make and approval number of burner. Such reported installations shall be inspected as required by the Administrative Code.

Rule 12. Ventilation.

- 12.1 No burner shall be installed in any boiler, heater, range or stove unless each boiler, heater, range or stove be connected with a separate flue in a legal chimney, complying with Article 11 of the Administrative Building Code except that in high pressure mercantile and industrial plants several units may be connected to a boiler room stack.
- 12.2 Adequate ventilation, at least equivalent to area of the smoke pipe at the point where it enters the flue, shall be provided in all rooms in which burners are installed.
- 12.3 Dampers shall be so constructed that they cannot completely cut off the passage of flue gases at any time, and on all installations in one and two family dwellings an approved automatic draft control of the same size as the cross-sectional area of the pipe or breaching shall be installed in the breaching or flue pipes.

Rule 13. Automatic Pumps.

- 13.1 Automatic pumps, when not an integral part of the burner shall be of approved type, provided with automatic means for preventing continuous discharge of oil in case of pipe breakage.

Rule 14. Fire Protection.

NOTE: In order that the intent of Local Law No. 145 be carried out, Section C26-693.0, sub. d, par. 1, 2, 3, is superseded by the following:

- 14.1 The clear distance between smoke pipe connections, of any boilers, furnaces or other heating apparatus to flues, and combustible material shall not be less than eighteen (18) inches, except that this clearance may be reduced to nine (9) inches where a baffle consisting of not less than No. 29 gauge sheet metal backed by $\frac{1}{4}$ inch thick asbestos is placed two (2) inches above and extending along the entire length of the smoke pipe connections and twice the width thereof and such baffle is securely fastened from the ceiling with substantial hangers. In lieu of such baffle the combustible material may be covered with fire-retarding material as defined in these rules.
- 14.2 The clear distance between any non-insulated heat-producing parts of boilers, furnaces or other heating apparatus and combustible material shall not be less than twenty-four inches (24"). Where such parts are insulated by two inches (2") of asbestos, or equivalent, the clear distance shall be not less than twelve inches (12"), or, in lieu of such insulation the combustible material shall be covered with fire-retarding material as defined in these rules extending 8 ft. in front and 4 ft. side and rear of the apparatus.
- 14.3 No movable combustible material shall be stored or maintained within five feet (5') of heating apparatus, except where same is protected by fire retarding material.
- 14.4 Burners and all accessories, including tanks and piping, shall be maintained oil tight and kept clean at all times.

- 14.5 The floor beneath boiler or furnace and within five (5) feet in all directions shall be of fireproof construction.

- 14.6 Oil burning devices designed for installation with storage of not more than six (6) gallons shall be firmly anchored to the floor, set level, and the floor beneath the stoves or any such heating devices protected by a shield of $\frac{1}{2}$ " asbestos or equivalent extending at least twelve inches (12") beyond the projected area of such device where required within the specific approval of each burner. Approved safety cans only shall be used for the storage and filling of oil containers. The fuel oil used for these burners shall be range oil or No. 1 or No. 2 fuel oil. The manufacturer or installer of these burners shall within 48 hours after each installation notify the Fire Department in writing of the name of the person to whom this burner is sold and the address of the premises where installed.

- 14.7 Near each boiler or furnace of a fuel oil-burning unit there shall be kept ready for use fire extinguishing equipment of not less than two quart capacity approved as suitable for oil fires or not less than two pails of sand, the pails to have rounded bottom.

Rule 15. Instruction Cards and Certificate of Fitness.

- 15.1 Cards, giving complete instructions for the care and operation of the system shall be permanently fixed near the apparatus in readable condition. Where burners or oil-burning heaters designed for use with storage of not more than six (6) gallons' capacity are installed, there shall also be posted a copy of the specifications under which it was approved by the Board of Standards and Appeals in addition to the instruction card herein provided for.
- 15.2 Every heating system in which the oil is preheated or systems not fully automatic when operating, shall be under the direct supervision of a person holding a certificate of fitness issued by the Fire Commissioner and who shall be in the building at all times while the burners are in operation, except, that a person holding a certificate of fitness as a licensed engineer or as a licensed fireman issued after May 1, 1941 under the provisions of C26-213.0 of the Administrative Building Code, or a person with such license issued prior to May 1, 1941 carrying an endorsement reading "Oil Burners" shall not be required to obtain such certificate.

Rule 16. Modification.

- 16.1 When, for any reason, it may be impracticable to comply strictly with the foregoing rules, the administrative official having jurisdiction shall have power to accept substitute methods provided the spirit and substance of these rules shall be complied with.

Rule 17. Existing Installations.

- 17.1 Oil burner systems heretofore installed and duly approved as complying with all laws and rules then applicable thereto shall be deemed acceptable, provided there have been no subsequent alterations to the apparatus, except as to Rule 15.2.

BULLETIN

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

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OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.

Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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PUBLIC HEARINGS

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All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

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New Cases Filed up to October 26, 1943.

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| 494-43-BZ | H.B.M. | 522-524 and 518-520 East 80th street, south side, 298 ft. east of York avenue (Block 1576, Lots 37 and 39), Borough of Manhattan, Alt. 838-43. |
| 495-43-S | H.B.M. | 522-524 and 518-520 East 80th street, south side, 298 ft. east of York avenue (Block 1576, Lots 37 and 39), Borough of Manhattan, Alt. 838-43. |
| 496-43-A | H.B.Q. | 435 Beach 72nd street, southwest corner of Hessler avenue (Block 523, Lots 22 and 24), Arverne, Borough of Queens (Under section 35, General City Law, re bed of mapped street—Barbadoes drive), M-4100-39. |
| 497-43-A | H.B.Q. | 714 Beach 20th street, east side, 56 ft. south of Cornaga avenue (Block 84, Lot 7), Far Rockaway, Borough of Queens, Alt. 1347-43. |
| 498-43-A | F.D. | South and east sides of Brielle avenue, between Rockland avenue (Willowbrook parkway) and Manor road (Block 955, Lot 1); (Sea View Hospital), Borough of Richmond, Order. |
| 499-43-A | H.B.B. | 400-412 Marcy avenue and 50-60 Lorimer street, southwest corner (Block 2244, Lots 25 and 33), Borough of Brooklyn, Misc. 2229-43. |
| 500-43-SM | | O'Brien Brothers Sand and Gravel Corporation, Sand, Gravel and Grit as Concrete Aggregates, manufactured by O'Brien Brothers Sand and Gravel Corporation, Material. |
| 501-43-A | F.D. | 471 West 42nd street and 576-578 Tenth avenue, northeast corner (Block 1052, Lots 1 and 2), Borough of Manhattan, 14993-L.F. and Decision. |
| 502-43-A | F.D. | 6 and 8 West 48th street, south side, 100 ft. west of Fifth avenue (11th floor); (Block 1263, Lots 43 and 44), Borough of Manhattan, 36005-L.C. |
| 503-43-S | F.D. | 37-01 31st street, southeast corner of 37th avenue (Block 373, Lot 21), Long Island City, Borough of Queens, Decision. |
| 504-43-S | F.D. | 32-14 Northern boulevard, southeast corner of Honeywell street (Block 214, Lot 210), Long Island City, Borough of Queens, Decisions. |
| 505-43-S | F.D. | 47-39 Austel place (Anabel avenue), northwest corner of 27th street (Block 97, Lot 4), Long Island City, Borough of Queens, Decision. |
| 506-43-S | F.D. | 22-28 Henry street and 73-79 Middagh street, northwest corner (Block 211, Lot 22), Borough of Brooklyn, 10577-L.F. and Decision. |

507-43-A—F.D.—10-01 43rd avenue, northeast corner of 10th street (Block 460, Lot 5), Long Island City, Borough of Queens, 95683-C.

508-43-A—F.D.—Re: Transportation and use of Motion Picture Film in Cardboard Containers (containers not in conformity with Administrative Code Requirements), Decision.

509-43-A—H.B.Q.—48-15 Rockaway Beach boulevard, southeast corner of Beach 49th street (Block 336, Lot 60), Edgemere, Borough of Queens, M-2690-43.

510-43-BZ—H.B.B.—3001-3011 Edwards place, northwest corner of West 30th street (Block 7067, Lot 29), Borough of Brooklyn, N.B. 146-43.

511-43-A—F.D.—1272-1274 Hoe avenue, east side, 100 ft. north of Freeman street (Block 2987, Lot 5), Borough of The Bronx, 35000-L.C. and Decision.

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1333-22-BZ—H.B.Bx—662 East Fordham road, south side, 50.96 ft. west of Cambreleng avenue (Block 3091, Lot 22), Borough of The Bronx, Amendment to Alt. 654-42.

58-43-A—H.B.B.—339-341 (337 displayed) Berry street, east side, 90 ft. south of South 4th street (Block 2443, Lot 6), Borough of Brooklyn, Alt. 673-42.

1042-41-S—F.D.—34-01 to 34-19 38th avenue, north side, between 34th and 35th streets (Block 376, Lot 1), Long Island City, Borough of Queens, Decision.

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

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Certificates of Occupancy, approved form	Nov. 25, 1941—Vol. 26, No. 47
Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Masonry Units, Rules for Manufacture, Testing and Use of	June 24, 1941—Vol. 26, No. 25
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Elevator Rules	Mar. 3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors)	June 15, 1937—Vol. 22, No. 24
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Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

NOVEMBER 3, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Wednesday morning, November 3, 1943* at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Zoning Application.

222-43-BZ—Application, May 11, 1943, under section 7h of the zoning resolution, of Arthur Weiser, applicant, on behalf of Bijou Realty Corporation, owner, to permit partly in a residence use and partly in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises west side of Riverdale avenue, 157.01 ft. north of West 232nd street (Block 3409E, Lot 374), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 3, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Wednesday afternoon, November 3, 1943* at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions

489-43-A—182-200 Hudson street and 18-26 Vestry street, northeast corner (12th floor); (Block 221, Lot 30), Borough of Manhattan.

710-42-S—57-02 48th street (Block 24552, Lot 24), Maspeth, Borough of Queens (reopened and restored to calendar, October 19, 1943; previously dismissed for lack of prosecution).

203-43-A—East side of 81st street, north of Ditmars boulevard, Seaplane Hangar No. 2 (Block 926), LaGuardia Field, Jackson Heights, Borough of Queens (reopened September 14, 1943 re amendment of resolution).

508-43-A—Re transportation and use of Motion Picture Film in Cardboard Containers (containers not in conformity with Administrative Code requirements).

379-43-A—1642 St. Johns place, south side, 227 ft. west of Ralph avenue (Block 1387, Lot 34), Borough of Brooklyn (reopened October 13, 1943; previously withdrawn).

430-43-A—523-549 East 14th street and 234-244 Avenue B, northwest corner (Block 972, Lot 16), Borough of Manhattan.

422-43-A—21-27 West 46th street, north side, 225 ft. west of Fifth avenue (11th floor); (Block 1262, Lot 24), Borough of Manhattan.

426-43-A—12 East 86th street, southwest corner of Madison avenue and 11 East 85th street (cellar); (Block 1497, Lot 9), Borough of Manhattan.

451-43-A—96 Reade street (94-108 Reade street), north side, 98 ft. 11½ in. west of Church street (Block 146, Lot 3), Borough of Manhattan.

483-43-A—4446-4450 Broadway, east side, 74 ft. 6 in south of Fairview avenue (Block 2170, Lot 59), Borough of Manhattan.

427-43-S—406-416 East 91st street, south side, 94 ft. east of First avenue (Block 1570, Lot 41), Borough of Manhattan.

428-43-A—406-416 East 91st street, south side, 94 ft. east of First avenue (Block 1570, Lot 41), Borough of Manhattan.

417-43-A—159-26 131st street, east side, 1433 ft. south of Mott avenue (Block 3979, Lot 269), South Ozone Park, Borough of Queens.

419-43-A—73-07 194th street, east side, 39.23 ft. south of 73rd avenue (Block 7181, Lot 74), Flushing, Borough of Queens.

Appliances for Approval.

288-43-SA—Cardox Low Pressure Carbon Dioxide Storage Unit and Cardox Fire Extinguishing Systems, Type A (Automatic) and Type M (Manual).

472-42-SA—Allen's Iron Body Siamese 4, 5 and 6 inch.

100-43-SA—Elliott Electric Infra-Red Oven.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 9, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, November 9, 1943*, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

1051-27-BZ—Application of Lama and Proskauer, applicants, on behalf of Rutland Parkway, Inc., owner (Sinclair Oil Refining Co., lessee), reopened December 1, 1942, under sections 7c and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of an auto laundry (located upon an existing gasoline service station) to a motor vehicle repair shop and, also, the inclusion of parking and storage of more than five motor vehicles; premises 724-740 Ralph avenue and 81-101 East 98th street, northwest corner (Block 3530, Lot 1), Borough of Brooklyn.

198-20-BZ—Application of Henry Nordheim, applicant, on behalf of Maresca Co., Inc., owner, reopened September 14, 1943, under section 7c of the zoning resolution, to permit in a business use district, the inclusion of a motor vehicle repair shop in a public garage—the

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said public garage was previously granted by the Board; premises 2653 Webster avenue, west side, 151.03 ft. south of East 195th street (Block 3277, Lot 36), Borough of The Bronx.

466-43-BZ—Application, September 29, 1943, under section 21 of the zoning resolution, of George A. Boehm, applicant, on behalf of Harcourt Johnstone, Amos R. E. Pinchot and Gifford Pinchot, owners, to permit in a residence use district, the conversion of occupancy of a building occupied as a garage for more than five motor vehicles and auto repair shop to a factory; premises 146-150 West 63rd street, south side, 100 ft. west of Amsterdam avenue (Block 1134, Lot 58), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman*.

NOVEMBER 9, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, November 9, 1943*, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appliances for Approval.

391-43-SA—American Gas Furnace Co., Oxygen Gas Fishtail Burners, Blowpipes and Accessories.

563-42-SA—Security Fire Door Company, Type DL Interlock.

567-42-SA—Security Fire Door Company, Type C Contact.

569-42-SA—Security Fire Door Company, Type D Interlock.

HARRIS H. MURDOCK, *Chairman*.

NOVEMBER 16, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, November 16, 1943* at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

1333-22-BZ—Application of Robert J. Farrington, applicant, on behalf of Besemer Realty Corporation, owner, reopened October 26, 1943, for consideration as to rehearing as to new use—motor vehicle repair shop in rear portion of building—re Application, previously granted on condition, under section 7c of the zoning resolution, permitting partly in a business use and extending into a residence use district, the erection and maintenance of a business building; premises 662 East Fordham road, south side, 50.96 ft. west of Cambreleng avenue (Block 3091, Lot 22), Borough of The Bronx.

585-42-BZ—Application, July 21, 1942, under section 7c of the zoning resolution, of William V. McDevit, applicant, on behalf of Socony-Vacuum Oil Co., Inc., owner, to permit in a business use district, the extension in area of an existing gasoline service station and, also, the erection thereon and maintenance of a building to be used as auto laundry and lubritorium; premises 4091 Hylan boulevard and 293 Nelson avenue, northeast corner (Block 5158, Lot 37), Great Kills, Borough of Richmond.

Appeals from Administrative Decisions.

399-43-A—2531-2539 Broadway, west side, from West 94th street to West 95th street and 250-254 West 95th street (Block 1242, Lots 55 and 10), Borough of Manhattan.

361-43-A—16 Central avenue, west side, 134.62 ft. south of Hyatt street (Block 6, Lot 75), St. George, Borough of Richmond.

HARRIS H. MURDOCK, *Chairman*.

NOVEMBER 16, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, November 16, 1943*, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions

364-43-A—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

592-42-S—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

593-42-A—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

115-43-S—21-10 49th avenue, southeast corner of 21st street (1st floor); (Block 71, Lot 1), Long Island City, Borough of Queens (reopened September 14, 1943 re amendment of resolution).

HARRIS H. MURDOCK, *Chairman*.

DECEMBER 7, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 7, 1943*, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Zoning Application.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman*.

DECEMBER 14, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 14, 1943* at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Zoning Application.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

HARRIS H. MURDOCK, *Chairman*.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, OCTOBER 26, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

The minutes of the regular meetings of the Board held on Tuesday morning, October 19, 1943, and Tuesday afternoon, October 19, 1943, were approved as printed in Bulletin No. 43, Volume 28.

ZONING CASES

1333-22-BZ

APPLICANT—Robert J. Farrington, for Besemer Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and rehearing as to new use—motor repair shop (decision of the acting borough superintendent)—Application, previously granted on condition, under section 7c of the zoning resolution, permitting partly in a business use and partly in a residence use district, the erection and maintenance of a business building.

PREMISES AFFECTED—662 East Fordham road, south side, 50.96 ft. west of Cambreleng avenue (Block 3091, Lot 22), Borough of The Bronx.

APPEARANCES—

For Applicant: Robert J. Farrington and Fred Nieustedt.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened, restored to calendar and set for hearing November 16, 1943 at 10 A. M.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

504-27-BZ

APPLICANT—Hanlyn Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the acting borough superintendent) previously granted on condition, under section 7c of the zoning resolution, permitting in a business use district, the alteration and reconstruction of a gasoline station, previously granted by the Board, so as to include a lubritorium and auto laundry and, also, the use of part of the plot for parking and storage of more than five motor vehicles.

PREMISES AFFECTED—200-218 West 230th street and 5485 Broadway, southwest corner (Block 3402, Lot 652), Borough of The Bronx.

APPEARANCES—

For Applicant: Joseph List.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (504-27-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in a business use district, the erection

and maintenance of a gasoline service station, affecting premises 200-218 West 230th street and 5485 Broadway, southwest corner (Block 3402, Lot 652), Borough of The Bronx, was granted by the Board on October 28, 1927, on certain conditions; and

WHEREAS, on October 28, 1941, the resolution was amended under section 7c of the zoning resolution, permitting the alteration and reconstruction of the existing gasoline service station so as to include a lubritorium and auto laundry and also, the use of part of the plot for parking and storage of more than five motor vehicles; and

WHEREAS, on December 16, 1941, the resolution was further amended and plans approved; and

WHEREAS, on October 27, 1942, time was extended to obtain permits and complete the work and the applicant has now requested a further extension of time to obtain the necessary permits and to complete the work.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on October 28, 1927, as amended through October 27, 1942, only so far as it has reference to obtaining permits and completion of work, so that as amended, this portion of the resolution shall read:

"... that all permits shall be obtained and all work completed within one (1) year from the date of this amended resolution ..."

279-33-BZ

APPLICANT—James I. Newman, for Newman Building Co., Inc., owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the commissioner of buildings) previously granted on condition, under section 21 of the zoning resolution, permitting in a business use district, the erection and maintenance of a gasoline service station for a temporary term of years.

PREMISES AFFECTED—Southwest corner of Baisley boulevard and New York boulevard (Block 3045, part of Lot 29), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Ruvin H. Koslow.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (279-33-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in a business use district, the erection and maintenance of a gasoline service station for a temporary term of years affecting premises southwest corner of Baisley boulevard and New York boulevard (Block 3045, part of Lot 29), Jamaica, Borough of Queens, was granted by the Board on February 6, 1934, on certain conditions, permit extended on October 4, 1938 and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on February 6, 1934, as amended October 4, 1938, only so far as it has reference to the term of the variance, so that as amended, this portion of the resolution shall read:

"... Granted for a term of five (5) years from February 6, 1944, under Section 7f, on condition that ... and that a new certificate of occupancy shall be obtained."

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440-38-BZ

APPLICANT—Marcy Rosen (lessee); Hugh P. Skelly, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the acting borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a temporary term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—2902-2930 Surf avenue, southwest corner of West 29th street (Block 7068, part of Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Martha Rosen and Louis Ackershalt.

For Opposition: Harold Klorfein, Dep't of Parks.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (440-38-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a temporary term of two years, the parking and storage of more than five motor vehicles, affecting premises 2902-2930 Surf avenue, southwest corner of West 29th street (Block 7068, part of Lot 1), Borough of Brooklyn, was granted by the Board on October 17, 1939, on certain conditions, permit extended on October 15, 1941 and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on October 17, 1939, as amended October 15, 1941, only so far as it has reference to the term of the variance, so that as amended, this portion of the resolution shall read:

“... Granted under Section 7h for a temporary term of two (2) years from the date of this amended resolution, to permit the premises under appeal to be occupied for the parking and storage of more than five (5) motor vehicles, on condition...”

704-39-BZ

APPLICANT—Paul Friedman, for Estate of Charles Doscher and Caroline Candidus, owners.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the acting borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—698-720 Livonia avenue, south side, between Wyona street and Bradford street, 552-562 Bradford street and 545-555 Wyona street (Block 3826, Lots 21 and 27), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (704-39-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 698-720 Livonia avenue, south side, between Wyona street and Bradford street and 545-555 Wyona street (Block 3826, Lots 21 and 27), Borough of Brooklyn, was granted by the Board on October 31, 1939, on certain conditions, permit extended on October 21, 1941 and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on October 31, 1939, as amended on October 21, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

“... Granted under section 7h thereof, for a term of two (2) years from the date of this amended resolution, to permit...”

1091-39-BZ

APPLICANT—T. W. Lamb Associates, Inc., for Sixth Avenue and 44th Street Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a retail use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—1120-1136 Sixth avenue, east side, entire block from West of 43rd street to West 44th street (Block 1259, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: R. L. Hoidge.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (1091-39-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a retail use district for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 1120-1136 Sixth avenue, east side, entire block from West 43rd street to West 44th street (Block 1259, Lot 1), Borough of Manhattan, was granted by the Board on November 28, 1939, on certain conditions, permit extended on October 28, 1941 and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted November 28, 1939, as amended October 28, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall be read:

“... Granted under section 7h, to permit the plot under appeal to be occupied for a term of two (2) years from the date of this amended resolution, for the parking and storage of more than five (5) motor vehicles, on condition...”

APPEALS FROM ADMINISTRATIVE DECISIONS

361-43-A

APPLICANT—Nora Lowe McKee, owner (William Van Dohlmann, lessee).

SUBJECT—Appeal from a decision of the acting borough superintendent.

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PREMISES AFFECTED—16 Central avenue, west side, 134.62 ft. south of Hyatt street (Block 6, Lot 75), St. George, Borough of Richmond.

APPEARANCES—

For Applicant: Suzanne Denick.

For Administration: Fred Dohlem, Dept of Housing and Buildings.

ACTION OF BOARD—Laid over to November 16, 1943 at 10 A. M. on request of applicant's representative.

399-43-A

APPLICANT—Howard H. Snyder, for Broad-West Realty Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—2531-2539 Broadway, west side, from West 94th to West 95th streets and 250-254 West 95th street (Block 1242, Lots 55 and 10), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dept of Housing and Buildings.

ACTION OF BOARD—Laid over to November 16, 1943 at 10 A. M. on written request of applicant.

403-43-A

APPLICANT—Samuel Rosenblum, for J. G. White and B. F. Bonner, owners (J. G. White Realty Corp., agent).

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—140-148 Lafayette street and 12-20 Howard street, northwest corner (Block 233, Lot 26), Borough of Manhattan.

APPEARANCES—

For Applicant: Samuel Rosenblum and D. Pollock.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal withdrawn to comply.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

679-25-S

APPLICANT—S. Walter Katz, for Greenwich Savings Bank, owner.

SUBJECT—Application reopened September 14, 1943 re amendment of resolution—Appeal from a decision of the borough superintendent (previously granted on condition re order of the fire commissioner re variation of the labor law).

PREMISES AFFECTED—5 West 30th street, north side, 150 ft. west of Fifth avenue (Block 832, Lot 36), Borough of Manhattan.

APPEARANCES—

For Applicant: S. Walter Katz.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD: Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (679-25-S)

WHEREAS, this application from an order of the fire commissioner, affecting premises 5 West 30th street, north side, 150 ft. west of Fifth avenue (Block 832, Lot 36), Borough of Manhattan, was granted by the Board on November 10, 1925, on certain conditions, resolution amended on May 9, 1933 and the applicant requested a further amendment of the resolution; and

WHEREAS, this case was reopened by vote of the Board on September 14, 1943, subject to usual procedure; and

WHEREAS, the decision of the borough superintendent dated June 16, 1943, on Alt. Applic. 52-43, reads:

"3. A liveload of 120 lbs. per sq. ft. should be shown for manufacturing occupancy and floor construction should be shown capable of sustaining this load. Note that resolution of Board of Standards and Appeals requires Building to comply with Labor Law in all respects other than those stated."

and

WHEREAS, the applicant states that the building is five stories (60 ft. 3 in.) in height; 25 ft. by 98 ft. 9 in. in area at first floor; 25 ft. by 70 ft. in area at typical floor; of Class 3 construction; located in a business use, B area district and used as follows: cellar, storage; 1st floor, store, 30 persons; 2nd floor, assembly room, 3 persons; 3rd floor, showroom, 20 persons; 4th floor, showroom, 20 persons; 5th floor, 25% manufacturing of dresses, 14 persons. Proposed to be occupied as follows: cellar, same; 1st floor store, 10 persons; 2nd floor, manufacturing dresses, 11 persons; 3rd floor, manufacturing dresses, 12 persons; 4th floor, manufacturing dresses, 12 persons; 5th floor, manufacturing dresses, 15 persons; that the area to be used for manufacturing will not exceed 25% of the floor area of the building; that the building is equipped with a fire alarm system and fire drills are maintained; that there is one 3 ft. 4 in. wood stairway enclosed in fire retarded partitions leading from street to roof, equipped with kalamein self-closing doors and one fire escape at rear leading to roof by stairs and to street by fire passage on first and second floors, and that windows and doors on the course of the fire escape are fireproof; and

WHEREAS, Certificate of Occupancy 11094, issued May 28, 1926, permitted the existing use of the building; and

WHEREAS, the applicant contends that Violation 3356 was issued April 6, 1943, for having changed the occupancy of the building to manufacturing on second, third and fourth floors, contrary to Certificate of Occupancy 11094; that a new application for a Certificate of Occupancy was filed, resulting in the objection herein appealed; that on May 9, 1933, the Board granted an appeal affecting this building; that all work was done in compliance with the resolution of the Board, but the applicant failed to make application for a new Certificate of Occupancy; that the floors are designed to sustain a 60 lb. live load on the upper floors; that the borough superintendent is willing to issue a new Certificate of Occupancy, if the Board will interpret the resolution previously adopted as permitting a 60 lb. live load.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted November 10, 1925, as amended by resolution adopted May 9, 1933, so that as amended it shall read:

"*Resolved*, that the Board of Standards and Appeals does hereby make a variation in the requirements of the Labor Law, as cited in a decision of the borough superintendent, acting on Alt. Applic. 52-43, objection 3, and that the application be and it hereby is granted on condition that the floors throughout shall have a carrying capacity of not less than 60 pounds per superficial foot; that the number of occupants above the first floor shall not exceed fifteen (15) persons per floor, of which not more than five (5) persons per floor shall be engaged in factory work; that each floor shall have one tenant only; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that the type of occupancy of each floor shall be similar to needle work and dress-making, excluding heavy machinery of all kinds; that the floor loading as herein permitted shall at no time be exceeded; that a new certificate of occupancy shall be obtained; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as modified by the Board under resolution adopted November 10, 1925 as amended May 9, 1933, under Cal. No. 679-25-S."

MINUTES

396-43-A

APPLICANT—Majestic Bed Spring Co., lessee, for Amelia C. Cardone, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—950-956 Grand street, south side, 425 ft. 2½ in. east of Waterbury street (Block 3019, Lot 20), Borough of Brooklyn.

APPEARANCES—

For Applicant: Harry J. Cowan.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (396-43-A)

WHEREAS, Majestic Bed Spring Company, lessee, for Amelia C. Cardone, owner, filed August 10, 1943, an appeal from a decision of the borough superintendent, affecting premises 950-956 Grand street, south side, 425 ft. 2½ in. east of Waterbury street (Block 3019, Lot 20), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent, dated July 14, 1943, on B. N. Application 1682-42, reads:

"1. Enclosing walls of corrugated sheet metal for dipping room is contrary to Rule 4.1.1 and Rule 2.7 of the Board of Standards and Appeals—Spray and Lacquer Rules."

and

WHEREAS, the applicant states the building is one story, in height, 61 ft. 3 in. by 103 ft. 3 in. in area; of Class 3 construction; equipped with a sprinkler system; erected 1922; located in an unrestricted use district and used and occupied since 1940 for manufacturing of bed springs, 3 persons; and

WHEREAS, Certificate of Occupancy 16747, was issued December 5, 1922, permitting the use of the building as a public garage; and

WHEREAS, the applicant was convicted and fined in Magistrates Court on July 14, 1943, for storing more than 20 gallons of paint, varnish or lacquer, without a permit from the fire commissioner; and

WHEREAS, Order 91509-LC, issued by the fire commissioner May 16, 1942, required that a Certificate of Occupancy be obtained for use of premises as a factory; that all openings of the gasoline storage tank not in use be closed; that sand pails be provided; that water pails be provided; that drip pans be provided near dipping tanks; that spraying or dipping spaces be mechanically ventilated; that a drain be provided to approved tank to drain open dip tank; that sprinkler heads be installed in accordance with the Paint Spray Rules; and

WHEREAS, the applicant contends that since its erection, the building was occupied as a public garage and later as a factory for the manufacture of metal boxes and subsequently for the painting and spraying of automobiles; that in connection with the spraying of automobiles, a spray room was constructed of heavy gauge corrugated sheet metal from floor to ceiling, completely enclosing the northwest corner of the building; that this room is approximately 15 ft. by 30 ft. in area; that the premises were leased by the present lessee for the manufacture of bed springs and the lessee uses the room in question for the purpose of dipping bed springs; that the building is equipped with five 6 ft. by 10 ft. metal frame skylights; that the floor is concrete throughout; that the north and east wall of the paint dipping room is brick; that the present tenant has reinforced the corrugated sheet metal enclosure and installed sprinkler heads within the dipping room; that the dipping room is protected with a fireproof door, equipped with vapor proof lights, mechanical ventilation actuated by a sparkproof motor; that the dipping tank is of heavy metal welded construction, approximately 70 gallons capacity; that springs are raised above this

tank and suspended over a heavy metal dipping tank for the purpose of drying; that 6 sand pails are maintained in the dipping room as well as 6 water pails and a fire extinguisher; that one 50 gallon drum of enamel is stored in the dipping room and approximately 30 gallons is maintained in the dipping tank; that Varnoline is used as a thinner and approximately 30 gallons stored in the dipping room; that all items of the fire commissioner's order have been complied with except the obtaining of the Certificate of Occupancy.

Resolved, that the decision of the borough superintendent, acting on B. N. Applic. 1682-42, objection 1, be and it hereby is modified and that the appeal be and it hereby is granted on condition that the paint dipping room shall be maintained substantially as indicated on plans filed with this appeal and as described, with a metal wall continuous from floor to ceiling and with a fireproof, self-closing door at the entrance to the dipping room; that the ceiling of the dipping room shall be protected with fire-retarding, in accordance with the rules of the Board; that natural ventilation by window to the outer air, as shown, shall be maintained, and also the mechanical ventilation with an air intake leading down to within one foot of the floor; that the gasoline tank used by the former garage shall be discontinued and filled to the satisfaction of the fire commissioner; that such portable fire-fighting appliances in addition to the sprinkler heads in the dipping room shall be maintained as the fire commissioner shall direct; that any thinning material maintained on the premises shall be maintained within the dipping room and such material shall not exceed one 55 gallon drum in addition to a 50 gallon drum of enamel; that the boiler room shall be separated from the balance of the building by fireproof material and enterable only from the exterior of the building; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

409-43-A

APPLICANT—S. Millman and Son, for Hugo Brand Leather Co., owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—157 13th street, north side, 100 ft. 1 in. east of Third avenue (Block 1027, Lot 66), Borough of Brooklyn.

APPEARANCES—

For Applicant: S. Millman.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (409-43-A)

WHEREAS, S. Millman and Son, for Hugo Brand Leather Company, owner, filed August 19, 1943, an appeal from a decision of the borough superintendent, affecting 157 13th street, north side, 100 ft. 1 in. east of Third avenue (Block 1027, Lot 66), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent, dated August 5, 1943, on Alt. Applic. 1192-43, reads:

"1. The erection of a paint storage room with a lot line window is prohibited Rule 6.1.3 Board of Standards and Appeals, Spray and Lacquer Rules."

and

WHEREAS, the applicant states that the building is three stories (35 ft.) in height; 92 ft. by 100 ft. in area; of Class 3 and Class 4 construction; located in an unrestricted use district; equipped with a sprinkler system; date of original erection of building is unknown; that the building was extended in 1929 and is used throughout for leather manufacturing, 14 persons on the first floor, 14 persons on the second floor, and 13 persons on the third floor; and

MINUTES

WHEREAS, Fire Department Order 94227-LC, was issued by the fire commissioner March 5, 1943, requiring the construction of a storage room, in compliance with Rules 6.1.3, 6.2 and 1.2 of the Spray Rules of the Board of Standards and Appeals; and

WHEREAS, Certificate of Occupancy 55151 was issued February 27, 1929, permitting the use of the building for leather manufacturing, affecting 155 to 161 13th street, and Certificate of Occupancy 57341, was issued August 14, 1929, permitting the use of the building for light manufacturing, affecting the three story brick extension erected under permit 14824 of 1928; and

WHEREAS, the applicant contends that it is proposed to erect a paint storage room with a lot line window, as indicated on plans filed with the borough superintendent; that there is no physical means to locate this paint storage room in any other location on the plot, as the premises are fully occupied with other structures containing essential equipment and machinery; that the owner has obtained permission from the adjoining owner, to provide ventilation by means of a metal air duct from the fireproof window on the lot line in order to comply with Rule 6.1.3 of the Spray Rules; that if the Board deems it necessary to provide additional ventilation, the owner will provide a 12 in. galvanized metal duct leading from the storage room through the building to a point 4 ft. above the roof; that the proposed duct will be properly fire retarded and equipped with a fan at the bottom to exhaust at the rate of 24 cu. ft. per min. and it is therefore requested that the Board grant a variation to permit the erection of the storage room for 200 gallons of paint as proposed, as the character of the business which consists mainly of painting leather goods, requires such storage.

Resolved, that the decision of the borough superintendent acting on Alt. Applic. 1192-43, objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted*, to permit the lot line window to serve as required ventilation under the Paint Spray and Lacquer Rules of the Board, *on condition* that permission shall be filed, giving the consent of the owner of the adjoining one-story building, which this one window overlooks, for the purpose as proposed; that the duct through such window shall be maintained above the roof with an exhaust fan maintained as proposed; that such window on the lot line shall be a fireproof window; that in all other respects, the construction and occupancy of the storage room shall comply with all laws, rules and regulations applicable thereto.

474-43-S

APPLICANT—Koch and Wagner, for Atlantic-Pacific Mfg. Corporation, owner.

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—124-130 Atlantic avenue, south side, 134 ft. 4 in. east of Henry street and 121-125 Pacific street (Block 285, Lot 12), Borough of Brooklyn.

APPEARANCES—

For Applicant: Harry L. Yakel.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (474-43-S)

WHEREAS, Koch and Wagner, for Atlantic-Pacific Mfg. Corporation, owner, filed September 28, 1943, an application for variation of the Labor Law as cited in a decision of the borough superintendent; premises 124-130 Atlantic avenue, south side, 134 ft. 4 in. east of Henry street and 121-125 Pacific street (Block 285, Lot 12), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent, dated September 27, 1943, re B.N. Applic. 1406-43 reads:

"1. No windows or doors shall be locked unless constructed as per sec. 272 par. 3 of Labor Law."

and

WHEREAS, the applicant states the building is 4 stories (45 ft.) in height, 77 ft. by 169 ft. 6 in. in area; Class 3 construction; erected 1880; located in a business use district; occupied: Subcellar, storage and boilerroom, 1 person; cellar, storage and factory, 20 persons; 1st floor, shipping, receiving and factory, 30 persons; 2nd floor, office and factory, 80 persons; 3rd floor, factory and storage, 35 persons; 4th floor, same, 13 persons; attic, storage, no persons; that the building is equipped with a two-source sprinkler system; interior fire alarm system, and fire drills are maintained; that there are two 44 in. wide stairs, wood, enclosed in 8 in. brick partitions, equipped with fireproof self-closing doors, one of which extends from roof to street and the other from top story to street; that there are 18 windows affected on the basement and 1st floor; and

WHEREAS, the applicant contends the building is equipped throughout for manufacture of life saving equipment for government agencies; that the Navy Dept. has required that the basement and 1st floor doors and window openings be protected with wire mesh guards; that to comply with the requirements of the government agencies, it is proposed to construct these guards on the outside of existing window frames with the upper half made stationary and the lower half hinged at top and arranged to open outwardly, locked on outside with padlock; that iron mesh gates at doors and fence will open outwardly with locking device located on inside only, using a vestibule type lock or panic lock, as shown on plans filed with this application; and

WHEREAS, the applicant has filed recommendation of the Plant Security Officer of the U. S. Army, that panic bolt be installed on fence in gate along Pacific street front; that panic bolts be installed at three screen doors on Atlantic avenue side; that screens over first floor windows should be secured in such a manner that they cannot be opened or removed from the outside; and

WHEREAS, the applicant has filed copy of Certificate of Occupancy 409, issued April 4, 1918, permitting the use of the building as a factory.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the requirements of the labor law, as cited in the decision of the borough superintendent on B.N. Applic. 1406-43, Objection 1, and that the application be and it hereby is *granted* to permit the windows, doors and gates to be protected as proposed, and as indicated on plans filed with this appeal marked "Received October 22, 1943," in addition to such panic bolts as were permitted to be installed on exit doors under Cal. 1974-17-S by resolution as amended July 15, 1941, *on condition* that such screens and panic bolts shall be maintained only for the period of the present emergency and shall be removed immediately thereafter or upon the factory no longer being engaged in manufacturing material for the war effort; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as herein modified and as modified under Cal. 1974-17-S; that the sprinkler system, fire alarm system and fire drills shall be maintained in accordance with the requirements therefor and all existing means of exit maintained.

498-43-A

APPLICANT—Edward M. Bernecker, for Department of Hospitals, City of New York, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—South and east sides of Brielle avenue, between Rockland avenue (Willowbrook parkway) and Manor road (Block 955, Lot 1), Borough of Richmond (Sea View Hospital).

MINUTES

APPEARANCES—

For Applicant: G. T. Broad and William A. Cody.
For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum 3
Negative: Deputy Chief Gunn..... 1

THE RESOLUTION (498-43-A)

WHEREAS, Edward M. Bernecker, for Department of Hospitals, City of New York, owner, filed October 21, 1943, an appeal from a decision of the fire commissioner; premises south and east sides of Brielle avenue, between Rockland avenue (Willowbrook parkway) and Manor road (Sea View Hospital); (Block 955, Lot 1), Borough of Richmond; and

WHEREAS, the decision of the fire commissioner, dated September 14, 1943, reads:

"Inspectors of the Division of Fire Prevention report hazardous conditions and this department requires the following changes to be made in order to render safe the premises located at Sea View Hospital, Brielle avenue, Staten Island.

Have watchman patrol all portions of the premises and record his movements at each station. Tours or rounds are to be made once every two hours beginning at 6 P.M., and continuing until the day staff have resumed their duties. Used dials are to be kept on file at the premises so that same can be inspected by this department. Chapter 19-487e-2.C-c-2 Adm. Code."

and

WHEREAS, the applicant states the premises consist of a large plot upon which there has been erected a group of buildings of Class 1, 3 and 4 construction; located in a residence use district; erected prior to 1912; used throughout as hospital buildings; and

WHEREAS, the applicant contends that at present a watchman's service is in operation, which patrols the grounds every three hours; that due to the lack of personnel, it is not possible at this time to reduce this patrol time and it is therefore requested that the order of the fire commissioner be modified and that the time between patrols be changed to three hours.

Resolved, that the decision of the fire commissioner, dated September 14, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the watchmen patrol shall be maintained throughout the premises as proposed, with intervals between patrols not more than three (3) hours; that in all portions of the hospital, where patients are housed, there shall be a nurse or attendant at all hours during the day and night and that this variance shall be for the term of the present emergency only.

499-43-A

APPLICANT—G. B. Tanis, for W. J. Barney Corp. (Charles Pfizer and Co., Inc., owner).

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—400-412 Marcy avenue and 50-60 Lorimer street, southwest corner (Block 2244, Lots 25 and 33), Borough of Brooklyn.

APPEARANCES—

For Applicant: G. B. Tanis, Capt. H. K. Wakefield, John E. McKeen and John L. Cornicani.
For Administration: Fred Dahlem, Dep't of Housing and Buildings, and Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (499-43-A)

WHEREAS, G. B. Tanis, for Charles Pfizer and Company, Inc., owner, filed October 21, 1943, an appeal from a decision of the borough superintendent, affecting premises 400-412 Marcy avenue and 50-60 Lorimer street, southwest corner (Block 2244, Lots 25 and 33), Borough of Brooklyn; and
WHEREAS, the decision of the borough superintendent dated October 20, 1943 on Misc. Applic. 2229-43, reads:

"1. Proposed to install solvent tanks of a capacity greater than 1500 gallons is prohibited. Ch. 19.59.0 of the Adm. code."

and

WHEREAS, the applicant states that the premises consist of a plot fronting 150 ft. on Marcy avenue and 125 ft. on Lorimer street; irregular in area; upon which there exists a one and two story building, a boiler house and electrical vault; that the entire premises are located in an unrestricted use district and proposed to be used for extraction and fermentation; and

WHEREAS, it is proposed to install three 2,000 gallon tanks for the storage of Chloroform, two 2,000 gallon tanks and two 5,000 gallon tanks for the storage of Monochlorbenzene; five 2,000 gallon tanks and two 5,000 gallon tanks for the storage of Acetone; four 5,000 gallon tanks for the storage of Monochlorbenzene and Acetone Mixture (wet); and

WHEREAS, the applicant contends that the larger tanks are required in order to provide the quantity of Penicillin required by the Army to meet the needs of the armed forces and essential civilian requirements; that the available yard area does not permit the installation of the numerous smaller tanks which would be required to give the same amount of storage; that there is no school, hospital, theatre or place of public assembly within 50 ft. of the site; that all tanks will be set on a solid foundation and will be encased in 12 in. of Portland cement concrete 2:3:5 mix; that all tanks will comply with the regulations for fuel oil installation; that tanks will be of welded construction and will have not less than ¼ in. steel plate shell and 5/16 in. heads; that each tank will be part of a separate system consisting of tank, fill box, fill line, vent line, vent cap, pump suction, screens, gauge piping, gauge, etc., all of which will be of approved type; that fire protection equipment will be provided, including fire hose, CO₂ extinguishers and sand pails and that the entire installation will be installed in accordance with Fire Department regulations, so as to avoid every possible hazard.

Resolved, that the decision of the borough superintendent acting on Misc. Applic. 2229-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the tanks shall be maintained and installed substantially as indicated on plans filed with the borough superintendent, except that such tanks shall be installed in accordance with the requirements of the Administrative Code and without sand inside the concrete enclosure as shown on such plans; that such tanks shall be used only for the purpose set forth and shall be removed or filled to the satisfaction of the fire commissioner and not otherwise used, when the use has ceased; that the tanks shall be installed and maintained substantially as indicated on plans filed; that the construction of the steel tanks shall be in accordance with the requirements of the Oil Burner Rules of the Board; that in all other respects, the installation shall comply with all laws, rules and regulations applicable thereto and that such fire-fighting extinguishing system shall be installed in connection with such tanks as the fire commissioner shall direct.

RULES

781-41-SR

SUBJECT—Proposed Rules for Erection, Alteration, Repair, Excavation for and Demolition of Buildings—Adoption of.

MINUTES

APPEARANCES—

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Rules adopted.

THE VOTE TO ADOPT RULES—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (781-41-SR)

WHEREAS, public hearings were held on January 30, and February 26, 1942, on the proposed rules as published in the Bulletin of the Board dated December 30, 1941, the hearing was closed and action on adoption laid over, pending an opinion from the Corporation Counsel as to the powers of the Board to adopt these rules; and

WHEREAS, opinion of the Corporation Counsel dated September 9, 1943 is published in the Bulletin of the Board dated October 26, 1943.

Resolved, that the Board of Standards and Appeals does hereby *adopt* the rules for the Erection, Alteration, Repair, Excavation for and Demolition of Buildings, as printed in the Bulletin of the Board dated December 30, 1941, with minor changes. Note: The rules as adopted, will be published in a subsequent issue of the Bulletin of the Board and will be effective twenty days after such publication as provided in Section 665 of the New York City Charter.

Adjourned: 12:10 P. M.

Joseph J. Doyle, Chief Clerk.

REGULAR MEETING

TUESDAY AFTERNOON, OCTOBER 26, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

APPEALS FROM ADMINISTRATIVE DECISIONS

592-42-S

APPLICANT—Sidney Daub, for Simon Finkelstein, owner.

SUBJECT—Application reopened and restored to calendar, September 14, 1943—re Variation of the Labor Law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: Sidney Daub.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 16, 1943 at 2 P. M., pending an inspection by a committee of the Board.

593-42-A

APPLICANT—Sidney Daub, for Simon Finkelstein, owner.

SUBJECT—Application reopened and restored to calendar September 14, 1943 re Appeal from a decision of the borough superintendent (previously dismissed for lack of prosecution).

PREMISES AFFECTED—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: Sidney Daub.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 16, 1943 at 2 P. M., pending an inspection by a committee of the Board.

115-43-S

APPLICANT—Ansley Radio Corporation (lessee), for Schulte Real Estate Co., Inc., owner.

SUBJECT—Application reopened September 14, 1943 re amendment of resolution—Variation of the Labor Law as cited in decisions of the borough superintendent.

PREMISES AFFECTED—21-10 49th avenue, southeast corner of 21st street (1st floor); (Block 71, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant—Charles Plasnick.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 16, 1943 at 2 P. M., for further consideration by the Board.

203-43-A

APPLICANT—Fischbach and Moore, Inc., for City of New York, Department of Marine and Aviation, owner (American Export Airlines, Inc., lessee).

SUBJECT—Application reopened September 14, 1943 re amendment of resolution—Appeal from a decision of the fire commissioner.

PREMISES AFFECTED—East side of 81st street, north of Ditmars boulevard, Seaplane Hangar No. 2 (Block 926), La Guardia Field, Jackson Heights, Borough of Queens.

APPEARANCES—

For Applicant: W. F. Requa.

ACTION OF BOARD—Laid over to November 3, 1943 at 2 P. M., for further consideration by the Board.

319-43-S

APPLICANT—Horn Signal Manufacturing Corp. (lessee), for Rector, Church Wardens and Vestrymen of Trinity Church, City of New York, owner.

SUBJECT—Application reopened and restored to calendar, September 14, 1943—Variation of the Labor Law as cited in decisions of the fire commissioner (previously dismissed for lack of prosecution).

PREMISES AFFECTED—515-521 Greenwich street and 309-317 Spring street, northeast corner (2nd and 5th floors); (Block 597, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: Herbert Hessler.

For Administration: Insp. Dahlem, Dep't of Housing and Buildings, and Insp. Maher, Fire Dep't.

ACTION OF BOARD—Application withdrawn on request of applicant, to comply.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioner

Blum and Deputy Chief Gunn 3

Negative 0

Absent: Commissioner Savage 1

327-43-A

APPLICANT—Can Reclaiming Co., lessee, for Fred Simon, owner.

SUBJECT—Application reopened and restored to calendar, September 14, 1943—Appeal from an order and a decision of the fire commissioner (previously dismissed for lack of prosecution).

PREMISES AFFECTED—382 Metropolitan avenue, south side, 118 ft. east of Havemeyer street (Block 2369, Lot 14 and parts of Lots 12, 15, 16 and 17), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Insp Meyer, Fire Dep't.

ACTION OF BOARD—Appeal withdrawn on written request of applicant, to comply.

MINUTES

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioner
Blum and Deputy Chief Gunn 3
Negative 0
Absent: Commissioner Savage 1

410-43-A

APPLICANT—Joseph Neustadt, for Long Island Railroad Co., owner (George H. Flynn Corp., lessee).

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—3116-3140 Atlantic avenue, southeast corner of Berriman street and 815-837 Liberty avenue (Block 3974, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: None
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.... 4
Negative 0

411-43-A

APPLICANT—Joseph Neustadt, for Long Island Railroad Co., owner (George H. Flynn Corporation, lessee).

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—3092-3114 Atlantic avenue southeast corner of Atkins avenue and 791-813 Liberty avenue (Block 3975, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn .. 4
Negative 0

803-42-A

APPLICANT—W. G. Griffith, for Swift and Company, subsidiary of United Dressed Beef Company, owner.

SUBJECT—Application reopened September 14, 1943, under new proposal—Appeal from a decision of the borough superintendent (previously denied).

PREMISES AFFECTED—786 First avenue and 400 East 44th street, southeast corner and north side of East 43rd street, 150 ft. east of First avenue (Block 1355, Lot 7), Borough of Manhattan.

APPEARANCES—

For Applicant: W. G. Griffith.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.... 4
Negative 0

THE RESOLUTION (803-42-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 786 First avenue and 400 East 44th street, southeast corner and north side of East 43rd street, 150 ft. east of First avenue (Block 1355, Lot 7), Borough of Manhattan, was denied by the Board on January 19, 1943; and

WHEREAS, the applicant requested a reopening of this case, under a new proposal; and

WHEREAS, this appeal was reopened by vote of the Board on September 14, 1943, and restored to the calendar, subject to usual procedure; and

WHEREAS, the applicant has filed a decision of the borough superintendent, dated July 21, 1943, on Alt. Applic. 578-43, which reads:

"6. Proposed extension of marquee is unlawful as same does not meet requirements of Section 2.4.1.4.8 of Building Code."

and

WHEREAS, the applicant states that it is now proposed to construct a marquee fronting 20 ft. 2 in. on First avenue and 20 ft. 8 in. on East 44th street and to remove the existing marquee now located on the southerly end of the First avenue frontage at East 43rd street; and

WHEREAS, the applicant contends that the present proposal meets some of the objections of the Board on the previous application, by removal of the most southerly marquee on First avenue, thus confining the projections to the northerly portion in proximity to the marquee existing on buildings north of East 44th street on the same side of First avenue.

Resolved, that the decision of the borough superintendent acting on Alt. Applic. 578-43, Objection 6, be and it hereby is modified and that the appeal be and it hereby is granted on condition that the marquee shall not be extended beyond that shown on the plans filed and that, as consideration for this variance, the owner will remove forthwith, the existing marquee at the southerly end of the building facing First avenue.

877-42-A

APPLICANT—F. Laird Tompkins, for Frank W. Tompkins Realty Corporation, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—1230 Castleton avenue, southwest corner of Taylor street (Block 212, Lot 40), West New Brighton, Borough of Richmond.

APPEARANCES—

For Applicant: F. Laird Tompkins.
For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.... 4
Negative 0

THE RESOLUTION (877-42-A)

WHEREAS, F. Laird Tompkins, for Frank W. Tompkins Realty Corporation, owner, filed December 16, 1942, an appeal from an order of the fire commissioner, affecting premises 1230 Castleton avenue, southwest corner Taylor street (Block 212, Lot 40), West New Brighton, Borough of Richmond; and

WHEREAS, Order 5058-LF, issued by the fire commissioner June 22, 1939, reads:

"1. Install an approved wet automatic sprinkler system in cellar, having at least one source of water supply arranged and equipped as per Art. 16, Ch. 26, Adm. Code.

Plans to be filed and approved by the Department of Housing and Buildings before work on such system is commenced. C19-161.0, Adm. Code."

and

WHEREAS, said order was referred to in a decision of the fire commissioner, dated November 23, 1942, which reads:

"In reference to your request, for reconsideration on Order 5058-LF, requiring a wet automatic sprinkler system in the cellar, you are advised as follows:

MINUTES

The matter has been under consideration and inspections made, and you are advised that in view of the combustible materials in the cellar and general department store conditions, your request must be denied."

and

WHEREAS, the applicant states the building is one story, and mezzanine (28 ft.), in height; 125 ft. by 98 ft. in area; of Class 1 construction; equipped with a standpipe system, located on a plot 125 ft. by 150 ft. in area in a business-1 use district; Certificate of Occupancy 361 was issued November 18, 1925, classifying the building as fireproof construction, having a permitted live load of 150 lbs. in the cellar and 120 lbs. on the first and second story, number of persons not stated; and

WHEREAS, the applicant states that the building is occupied as follows: cellar, boiler room and retail sales, 200 persons; 1st floor, retail sales, 500 persons; mezzanine, office and retail sales, 100 persons; and

WHEREAS, the applicant has filed photographs indicating that the 50 ft. portion of the plot at the rear is occupied for parking of motor vehicles; and

WHEREAS, the applicant has obtained and filed Certificate of Occupancy 4342 issued October 24, 1943, permitting the use of the building as at present and the rear of the premises to be used for parking of employees' and patrons' cars; and

WHEREAS, the applicant contends the building is equipped with a standpipe system supplied with 90 lbs. pressure; that there are two large exits from basement to rear yard and a large wide unobstructed staircase from basement to main floor; that the entire building is fireproof, located on a corner and is accessible from the rear; that watchmen's service is maintained 24 hours a day, 7 days a week; that the basement is used as the selling floor and not for storage and the contents are not hazardous; that the building is 12,200 sq. ft. in area, 1,380 sq. ft. of which is separated from the balance of the basement story by fireproof walls equipped with fireproof self-closing doors; that the area in excess of 10,000 sq. ft. involved is small; that the present installations are adequate and the watchman is always on duty; that it would be unjust and unfair to require the owner to go to the expense of installing a sprinkler system and that it is therefore requested the present conditions be accepted; and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board.

Resolved, that Order 5058-LF of the fire commissioner be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall not be increased in height or area and shall be maintained substantially as proposed; that the standpipe system shall be maintained to the satisfaction of the fire commissioner; that the space under the stairs leading to the mezzanine shall be blocked off with masonry to a height of approximately 5 ft.; that there shall be installed within the unpacking room at the rear of the first floor, sprinkler heads which may be connected to the house water supply; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that existing rear exits shall be maintained for escape at all times while the store is open for business and with the required outwardly swinging doors and signs; that in all other respects, the requirements of Local Law 29 and all other laws, rules and regulations shall be complied with.

43-43-A

APPLICANT—Jacob Lubroth, for 127 West 46th Street Corporation, owner.

SUBJECT—Application reopened and restored to calendar, September 14, 1943—Appeal from a decision of the borough superintendent (previously dismissed for lack of prosecution).

PREMISES AFFECTED—121-127 West 46th street, north side, 275 ft. west of Sixth avenue (Block 999, Lot 19), Borough of Manhattan.

APPEARANCES—

For Applicant: Jacob Lubroth.

For Administration: Fred Dahlem and Henry Pleney, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn on request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (43-43-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 121-127 West 46th street, north side, 275 ft. west of Sixth avenue (Block 999, Lot 19), Borough of Manhattan, was dismissed for lack of prosecution on July 20, 1943; and

WHEREAS, the applicant requested a reopening and restoration to the calendar; and

WHEREAS, this case was reopened and restored to the calendar by vote of the Board on September 14, 1943, subject to usual procedure; and

WHEREAS, the decision of the borough superintendent, dated January 12, 1943, on B. N. Applic. 3697-40, reads:

"1. Proposed roof structure on a fireproof building should be fireproof as per Secs. 3.2.1. and 4.1.3. B.C."

and

WHEREAS, the applicant states the building is 8 stories, (90 ft.) in height; 75 ft. by 100.5 ft. in area at first floor; 75 ft. by 88.6 ft. in area at typical floor; of Class 1 construction; erected 1925; located in a retail use district and occupied: subcellar, Russian and Turkish baths, 125 persons; cellar, storage and boiler room, 1 person; 1st floor, stores and restaurants, 125 persons; 2nd floor, offices, medical baths, reading room, 110 persons; 3rd, 4th and 5th floors, dormitories, 135 persons each floor, 6th, 7th and 8th floors, hotel chambers, 50 persons each, pent house, gymnasium and superintendent's rooms, 50 persons; that no change in use or occupancy is proposed, except that pent house will be used for gymnasium, superintendent's rooms and handball courts, 50 persons; and

WHEREAS, Violation No. 4899-40, issued September 31, 1940, was for maintaining a frame structure on roof in that part of the city where prohibited; and

WHEREAS, the applicant contends that the frame structure on the roof covers an area of 1056 sq. ft. and is used in conjunction with the gymnasium and was erected by a former owner without a permit therefor, as a temporary condition; that the handball courts are in two parts, one section is covered on the outside with metal and it is proposed to cover the other section with asbestos shingles; that since there will be no increase in the number of occupants and since the building is fireproof and provided with standpipe extending to roof and considering the length of time this condition has existed without any hazard, it is requested that the Board permit the maintenance of the structure; and

WHEREAS, it appeared that the Building is classed as a Multiple Dwelling Class B and that the appeal involved a request for variance of the Multiple Dwelling Law, that the Board is without power to grant; and

WHEREAS, the applicant requested a withdrawal of the appeal.

Resolved, that the appeal be and it hereby is *withdrawn*.

398-43-A

APPLICANT—Howard Chapman, for Long Island College Hospital, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—340 Henry street, west side, from Pacific street to Amity street 1st to 5th floors; (Block 290, Lot 14), Borough of Brooklyn.

APPEARANCES—

For Applicant: Howard Chapman.

For Administration: Insp. Meyer, Fire Dep't.

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ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioner
Blum and Deputy Chief Gunn 3
Negative 0
Absent: Commissioner Savage 1

THE RESOLUTION (398-43-A)

WHEREAS, Howard Chapman, for The Long Island College Hospital, owner, filed August 9, 1943, an appeal from an order of the fire commissioner, affecting premises 340 Henry street, west side, between Pacific street and Amity street (Block 290, Lot 14), Borough of Brooklyn (Long Island College Hospital); and

WHEREAS, Order 94382-LC, issued by the fire commissioner March 26, 1943, and repeated in a decision of the fire commissioner dated August 2, 1943, reads:

"An inspection of your refrigerating system located at the above premises shows the following must be done to have the system conform with Fire Department regulations.

1. Hood all gas flames in diet kitchen on 1st, 2nd, 3rd, 4th and 5th floors, where refrigerating machine is used. C19-11.0, Administrative Code."

and

WHEREAS, the applicant states the building is four stories and basement (83 ft.) in height, 200 ft. by 209 ft., irregular in area of Class 1 construction; erected 1902, 1905 and 1915; located in a business and residence use district; equipped with a standpipe system and sprinkler system in the film room and occupied throughout as a hospital, 800 persons; and

WHEREAS, the applicant contends that the order of the fire commissioner applies to all of the floor pantries where Westinghouse Electric Refrigerators are used; that these refrigerators have a capacity of 25 cu. ft., are sealed units containing 3 lbs. of Freon gas; that there is no hazard whatever in continuing the use of the refrigerators as presently located, as is evidenced by a report of Dr. Alfred Goerner, associate professor of Biological Chemistry at the Long Island College of Medicine and report of Mr. F. J. Thompson, refrigeration engineer of the Kinetic Chemicals, Incorporated, Wilmington, Delaware, copies of which are filed with this appeal; that the hospital is operated as a charitable institution; that it would cost approximately \$1,100 to comply with the fire commissioner's order; that the materials necessary for such compliance are on the critical list and would be extremely difficult to procure; that in view of these facts and the absence of the element of danger in the continuing use of these refrigerators, it is requested the Board grant a variation of the requirements of the fire commissioner's order.

Resolved, that the decision of the fire commissioner acting on order 94382-LC be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that all such rooms shall each have a window to the outer air; that the doors to such rooms shall be reasonably tight-fitting and shall be made self-closing and generally kept closed; that the open flame employed shall be restricted to the gas heating stove; that such gas burners as are used shall not be nearer the floor than 2 ft.; that such portable fire-fighting appliances shall be maintained in such rooms as the fire commissioner shall direct; that the amount of Freon in such refrigerators shall not exceed six (6) pounds each.

442-43-A

APPLICANT—Cat's Paw Rubber Cement Co., Inc., owner.

SUBJECT—Appeal from decisions of the fire commissioner, re marketing of inflammable mixture "Cat's Paw Rubber Cement" in one gallon tin containers (label on containers not in conformity with Administrative Code requirements).

APPEARANCES—

For Applicant: Sam Klein.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioner
Blum and Deputy Chief Gunn 3
Negative 0
Absent: Commissioner Savage 1

THE RESOLUTION (442-43-A)

WHEREAS, Cat's Paw Rubber Company, Incorporated, owner, filed September 13, 1943, an appeal from the decision of the fire commissioner relating to the packaging of Cat's Paw Liquid Rubber Cement in tin cans, the labels of which do not comply with the requirements of the Administrative Code; and

WHEREAS, the decision of the fire commissioner dated August 11, 1943, reads:

"Please be advised that your request for permission to use your present lithographed cans which do not meet with Fire Department approval is hereby denied.

You may seek relief from this order by communicating with the Board of Standards and Appeals, Room 1000, Municipal Building, New York."

and

WHEREAS, the applicant contends that the existing lithographed label used on the cans for packaging Cat's Paw Rubber Cement do not contain the required wording "Inflammable Mixture. Do not use near Fire or Flame. Certificate of Approval No., Name of Manufacturer,"; that this material has been marketed in New York City for many years without a certificate of approval; that the applicant has applied for a certificate of approval and is willing to comply with the requirements of the Fire Department in all respects, except that in view of present war conditions, it is proposed to use tin cans which have already been fabricated and lithographed until such time as this supply of containers is exhausted and it is proposed to apply a paper label added to the can to contain the necessary information required by the Administrative Code, but the fire commissioner has refused to accept and approve such label; that the material in question is not sold to inexperienced people, it is sold to shoe repair men in gallon cans and it is therefore requested that the Board grant a variance, to permit the packaging of the product in question in the cans already fabricated with the addition of a paper sticker label to the lithographed cans to contain the information required by the Administrative Code for a period not to extend beyond 9 months from the date of the Board's action.

Resolved, that the decision of the fire commissioner dated August 11, 1943 be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* to permit the cans as proposed to be used for the storage and sale in New York City for a term not exceeding six months from the date of this resolution; that in the meantime a gummed paper label comprising the required information may be attached to the can in accordance with the sample as submitted, *on condition* that the wording and the location of the label complies with the requirements of the Administrative Code therefor.

476-42-A

APPLICANT—William Hand d/b/a Capitol Drug Company, for Bushwick Building Co., Inc., owner.

SUBJECT—Application reopened and restored to calendar, September 14, 1943—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—2553-2563 Atlantic avenue and 30-48 Alabama avenue, northwest corner (Block 3666, Lot 31), Borough of Brooklyn.

APPEARANCES—

For Applicant: Louis Zirinsky.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

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THE VOTE—

Affirmative: Chairman Murdock, Commissioner
Blum and Deputy Chief Gunn 3
Negative 0
Absent: Commissioner Savage 1

THE RESOLUTION (476-42-A)

WHEREAS, this appeal from an order and a decision of the fire commissioner, affecting premises 2553-2563 Atlantic avenue and 30-48 Alabama avenue, northwest corner (Block 3666, Lot 31), Borough of Brooklyn, was dismissed for lack of prosecution on July 27, 1943; and

WHEREAS, the applicant requested a reopening and restoration to the calendar; and

WHEREAS, this case was reopened and restored to the calendar by vote of the Board on September 14, 1943, subject to usual procedure; and

WHEREAS, order 90624-LC issued by the fire commissioner February 26, 1942 and repeated in a decision of the fire commissioner dated June 11, 1942 reads:

"With reference to application for a permit to operate a wholesale drug store at 2553-63 Atlantic avenue, Brooklyn, please be advised that the Fire Department is without power to issue such a permit for the reason that a recent inspection shows the premises to be occupied as a factory building not separate from remainder of building by fireproof walls and floors. This is a violation of C19-136-3, of the Administrative Code which reads as follows:

'No permit shall be issued for a wholesale drug store or chemical supply house in any building which is occupied as a work shop or factory, except when such work shop or factory is incident to the business of the applicant, or except a building constructed of fire retarding material throughout and when the portion of such building occupied by the applicant is separated from the rest of building by fireproof doors and floors.'

1. You are therefore, ordered to discontinue the operation of a wholesale drug store on the above premises."

and

WHEREAS, the applicant states that the building is 4 stories (approximately 50 ft.) in height, 99 ft. 5 in. by 75 ft. 8 in. in area, of Class 3 construction, equipped with a sprinkler system and standpipe system, erected about 1926, located in a business use district and used and occupied: cellar—boiler room; 1st floor—storage of drugs—4 persons; 2nd floor—manufacture of ladies' garments—40 persons; 3rd floor—manufacturing of men's clothing—50 persons; 4th floor—manufacturing of men's clothing—100 persons; that Certificate of Occupancy 38091, issued March 4, 1926 on N.B. Permit 9355-25, permits the use of the 1st floor for stores and the 2nd, 3rd and 4th floors—storage and show rooms and light manufacturing; and

WHEREAS, the applicant contends that it is a jobbing concern and does not manufacture anything; that patent medicines are bought and sold as are sundries and packaged goods like epsom salt and bicarbonate of soda in original cartons; that no prescriptions are compounded and no retail drug sales are conducted; that the entire building is equipped with automatic sprinklers and all ceilings are covered with metal; that all exits, stairways and hall enclosures are fireproof; that if the tenant was compelled to move the drug business, it would result in forcing him out of business; that the same tenant was previously in another building for five years and never had a permit and was told that one was not necessary; and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board.

Resolved, that Order 90624-LC of the fire commissioner be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the premises shall be maintained substantially as proposed and to the satisfaction of the fire commissioner; that inflammable and combustible products shall not be stored except in such relatively small

quantities as the fire commissioner shall direct; that the sprinkler system shall be maintained in accordance with the requirements; that no materials or merchandise shall be stored within 18 inches below the sprinkler heads; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

478-43-A

APPLICANT—Frederick Bosch, for Phelps Dodge Refining Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—42-02 55th drive, north side, 166 ft. west of 43rd street (Block 2518, Lots 58 and 101 and Block 2519, Lot 1), Maspeth, Borough of Queens (under section 35, General City Law—re bed of mapped street—42nd street).

APPEARANCES—

For Applicant: Frederick Bosch.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (478-43-A)

WHEREAS, Frederick Bosch, for Phelps Dodge Refining Corporation, owner, filed on October 6, 1943, an appeal from a decision of the borough superintendent relating to the proposed erection of a building in the bed of a mapped street (42nd street), affecting premises 42-02 55th drive, north side, 166 ft. west of 43rd street (Block 2518, Lots 58 and 101; Block 2519, Lot 1), Maspeth, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated October 2, 1943, on N. B. Applic. 232-43, reads:

"1. Portion of proposed building appears to be in bed of mapped street. Secure permission of Board of Standards and Appeals for the erection of a building in the bed of a mapped street as per Article 3, Section 35 of the General City Laws."

and

WHEREAS, the applicant states that the proposed building will be one story (20 ft.) in height; 122 ft. by 108 ft. in area; of Class 3 construction; located in an unrestricted use, A area district and used for the storing of copper sulphate crystal production in bags and barrels, with an occupancy of 2 persons; that the building will be equipped with a standpipe system and fire drills will be maintained; and

WHEREAS, the applicant contends that 42nd Street between 55th drive and 55th avenue is not in use as a highway and will not in the future be used as a highway; that the Meeker Avenue Bridge approach is now built on a portion of the street in question; that the Phelps Dodge Refining Corporation has title to all land from 43rd street to the Meeker Avenue Bridge approach; that there is at present, a copper sulphate processing building erected in the bed of 42nd street, and it is contended that due to the erection of the Meeker Avenue Bridge approach, that 42nd street as mapped will serve no useful purpose north of 55th drive; and

WHEREAS, the adjoining building extending from 43rd street to the Meeker Avenue Bridge approach, was constructed in 1928 with the approval of the borough superintendent which is partly within the bed of the mapped street and which would interfere with the continuation of such mapped street southerly to 55th drive; and

WHEREAS, a letter dated October 25, from the Borough President states that studies are now being made for removal of this street from the City Map.

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Resolved, that the decision of the borough superintendent acting on N. B. Applic. 232-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted* under the authority granted the Board under Section 35 of the General City Law, to permit the erection of the building as proposed within the bed of a mapped street, Cologne avenue or 42nd street, *on condition* that immediate steps shall be taken to petition the City Planning Commission for removal of this street from the City Map at least within the confines of the applicant's property, in view of the construction of the adjacent Meeker Avenue Bridge approach; that in the event the street is not removed from the City Map through these premises and the land is later acquired by the City for street purposes, the amount claimed for condemnation of that portion of the building through which the proposed street would pass, shall be not more than the actual cost of the construction above the land less a deduction of five per cent per annum as an amortizing fund over a period of 20 years.

503-43-S

APPLICANT—Brewster Aeronautical Corporation, lessee, for Walter C. Young, owner.

SUBJECT—Variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—37-01 31st street, southeast corner of 37th avenue (Block 373, Lot 21), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Mervin Lewis and William T. Landry.

For Administration: Thomas Larkin, Fire Dep't.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Negative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

Affirmative 0

THE RESOLUTION (503-43-S)

WHEREAS, Brewster Aeronautical Corporation, lessee, for Walter C. Young, owner, filed October 25, 1943, an application for variation of the requirements of the Labor Law as cited in a decision of the fire commissioner, affecting premises 37-01 31st street, southeast corner 37th avenue (Block 373, Lot 21), Long Island City, Borough of Queens; and

WHEREAS, the decision of the fire commissioner dated October 22, 1943, reads:

"We have your letter of October 22nd, wherein you request permission for your employees to smoke in certain areas of your factory located at the above mentioned premises.

In reply you will please be advised that your application must be denied for the reason that smoking is prohibited in this factory building by the provisions of the State Labor Law and the Rules of the Board of Standards and Appeals."

and

WHEREAS, the applicant states the building is three stories (40 ft.), in height; 112 ft. 8 in. by 178 ft. in area; of Class 1 construction; erected in 1912; located in an unrestricted use district and occupied since 1942 as follows: cellar, boiler room, 1 person; 1st floor, tool and dye shop, 157 persons; 2nd floor, tool and dye shop, 175 persons; 3rd floor, storage, 29 persons; that the building is equipped with a one-source sprinkler system, interior fire alarm system and fire drills are maintained; that there are two 3 ft. wide fireproof interior stairs leading from top story directly to the street and two interior fire escapes on the south side of the building leading from roof to grade with access to street through court and that doors on the course of the fire escape are fireproof self-closing; and

WHEREAS, it is proposed to set aside areas designated by shaded lines on plans filed with this appeal, for smoking

purposes during two 15 minute periods in each shift; that the plant is operating under two shifts, one from 8 A.M. to 6:30 P.M., the other from 7 P.M. to 5:30 A.M.; that these areas to be guarded by fire guards, who will patrol them during the smoking periods and who will have on hand, adequate safety equipment; that it is also proposed to provide a sufficient number of metal receptacles containing water in these areas; and

WHEREAS, the applicant contends that if employees are permitted to smoke under certain limitations as to time and place, operating efficiency is continued at a higher level than otherwise; that these 10 hour shifts are long and arduous and unless smoking periods are provided for, fatigue sets in and the capacity and efficiency of the employee drop sharply; that heretofore the lack of smoking periods has resulted in surreptitious and unlawful smoking in the factory with considerable fire hazards; and

WHEREAS, the Board is in receipt of a communication from the Inspector of Naval Aircraft of the U. S. Navy, wherein it is stated that if employees are allowed to smoke for limited times during the day, it will improve the capacity for production and that the Board is therefore urged to take into consideration this factor in passing on this application; and

WHEREAS, Certificate of Occupancy 29134 was issued May 11, 1943, under Alt. Applic. 642-42, permitting the use of the building as follows: 1st floor, factory, 180 persons; 2nd floor, factory, 150 persons; 3rd floor, factory and storage, 100 persons; that Fire Department approval of combustibles, sprinkler system and fire alarm system has been endorsed thereon and there is an additional endorsement which reads: "Standpipe waived on my statement that . . . machine shop—second floor, machine shop; third floor, . . . and storage of paints, etc., no hazards. Charles Silkworth, architect."

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the requirements of the labor law and the Smoking in Factories, rules of the Board, as cited in the decision of the fire commissioner, dated October 22, 1943, and that the application be and it hereby is *granted on condition* that the smoking areas shall be maintained as proposed; that the number and position of the guards, the designation and location of areas as shown and the size and type of receptacles shall be maintained to the satisfaction of the fire commissioner; that the time during which smoking is to be permitted, shall not exceed two 15 minute periods in each 8 or 10 hour shift, except in the office area as proposed; that signs shall be prominently posted to the satisfaction of the fire commissioner, stating the time of such periods; that this variance is granted only during the term of the present emergency; that the sprinkler system, interior alarm system and fire drills shall be maintained to the satisfaction of the fire commissioner; that all dipping, spraying or use of volatile inflammable materials shall be discontinued during such smoking periods, but that the ventilating system installed in connection with such spraying system shall be continued in operation during such periods; that such additional portable fire fighting appliances shall be maintained in such smoking areas as the fire commissioner shall direct; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

504-43-S

APPLICANT—Brewster Aeronautical Corporation, lessee (Ford Motor Company, owner).

SUBJECT—Variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—32-14 Northern boulevard, southeast corner of Honeywell street (Block 214, Lot 210), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Mervin Lewis and William T. Landry.

For Administration: Thomas Larkin, Fire Dep't.

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ACTION OF BOARD—Application granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (504-43-S)

WHEREAS, Brewster Aeronautical Corporation, lessee, for Ford Motor Corporation, owner, filed October 25, 1943, an application for variation of the requirements of the Labor Law as cited in a decision of the fire commissioner, affecting premises 32-14 Northern boulevard, southeast corner Honeywell street (Block 214, Lot 210), Long Island City, Borough of Queens; and

WHEREAS, the decision of the fire commissioner dated October 22, 1943, reads:

"We have your letter of October 22nd wherein you request permission for your employees to smoke in certain areas of your factory located at the above mentioned premises.

In reply you will please be advised that your application must be denied for reason that smoking is prohibited in this factory building by the provisions of the State Labor Law and the Rules of the Board of Standards and Appeals."

and
WHEREAS, the applicant states the building is 8 stories (125 ft.) in height; 312 ft. by 187 ft.; irregular in area; of Class 1 construction; erected 1914; located in an unrestricted use district and used and occupied as follows: subcellar, boiler room, 3 persons; cellar, storage of sheet metal, 50 persons; 1st floor, manufacturing airplane parts, 200 persons; 2nd floor, manufacturing airplanes and parts, 440 persons; 3rd floor, same, 470 persons; 4th floor, same, 420 persons; 5th floor, same, 490 persons; 6th floor, same, 430 persons; 7th floor, same, 485 persons; 8th floor, same, 330 persons; that the building is equipped with a two source sprinkler system, standpipe system, interior fire alarm system and fire drills are maintained; that there are 8 interior fireproof stairs and fire tower, four of which lead directly to the street and two exterior stairs which lead to roof by stairs and to grade by counter-balanced stairs and that the windows and doors on the course are fireproof self-closing; and

WHEREAS, it is proposed to set aside areas designated by shaded lines on plans filed with this appeal, for smoking purposes during two 15 minute periods in each shift; that the plant is operating under two shifts, one from 8 A. M. to 6:30 P. M., the other from 7 P. M. to 5:30 A. M.; that these areas to be guarded by fire guards, who will patrol them during the smoking periods and who will have on hand, adequate safety equipment; that it is also proposed to provide a sufficient number of metal receptacles containing water in these areas; and

WHEREAS, the applicant contends that if employees are permitted to smoke under certain limitations as to time and place, operating efficiency is continued at a higher level than otherwise; that these 10 hour shifts are long and arduous and unless smoking periods are provided for, fatigue sets in and the capacity and efficiency of the employee drop sharply; that heretofore the lack of smoking periods has resulted in surreptitious and unlawful smoking in the factory with considerable fire hazards; and

WHEREAS, the Board is in receipt of a communication from the Inspector of Naval Aircraft of the U. S. Navy, wherein it is stated that if employees are allowed to smoke for limited times during the day, it will improve the capacity for production and that the Board is therefore urged to take into consideration this factor in passing on this application.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the requirements of the labor law and the Smoking in Factories, rules of the Board, as cited in the decision of the fire commissioner, dated October 22, 1943, and that the application be and it hereby is granted on condition that the smoking areas shall be maintained as proposed; that the number and position of

guards, the designation and location of areas as shown and the size and type of receptacles shall be maintained to the satisfaction of the fire commissioner; that the time during which smoking is to be permitted, shall not exceed two 15 minute periods in each 8 or 10 hour shift, except in the office area as proposed; that signs shall be prominently posted to the satisfaction of the fire commissioner, stating the time of such periods; that this variance is granted only during the term of the present emergency; that the sprinkler system, interior alarm system and fire drills shall be maintained to the satisfaction of the fire commissioner; that all dipping, spraying or use of volatile inflammable materials shall be discontinued during such smoking periods, but that the ventilating system installed in connection with such spraying system shall be continued in operation during such periods; that such additional portable fire fighting appliances shall be maintained in such smoking areas as the fire commissioner shall direct; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

505-43-S

APPLICANT—Brewster Aeronautical Corporation, lessee, (Schulte Realty Corporation, owner).

SUBJECT—Variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—47-39 Austell place (Anable avenue), northwest corner of 27th street (Block 97, Lot 4), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Merwin Lewis and William T. Landry.

For Administration: Thomas Larkin, Fire Dep't.

ACTION OF BOARD—Application granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (505-43-S)

WHEREAS, Brewster Aeronautical Corporation, lessee, for Schulte Realty Corporation, owner, filed October 25, 1943, an application for variation of the requirements of the Labor Law as cited in a decision of the fire commissioner, affecting 47-39 Austell place, northwest corner 27th street (Block 97, Lot 4), Long Island City, Borough of Queens; and

WHEREAS, the decision of the fire commissioner dated October 22, 1943, reads:

"We have your letter of October 22nd wherein you request permission for your employees to smoke in certain areas of your factory located at the above mentioned premises.

In reply you will please be advised that your application must be denied for the reason that smoking is prohibited in this factory building by the provisions of the State Labor Law and the Rules of the Board of Standards and Appeals."

and

WHEREAS, the applicant states the building is three stories and pent house (42 ft.) in height; 400 ft. by 100 ft. in area; of Class 1 construction; erected 1916; located in an unrestricted use district, and used and occupied as follows: cellar, boiler room, 1 person; 1st floor, factory and garage, 230 persons; 2nd and third floors, manufacturing airplanes and parts, 396 persons on the 2nd floor, 57 persons on the third floor; pent house, storage; that the building is equipped with a two source sprinkler system, interior fire alarm system and fire drills are maintained, and that there are five interior stairs or fire towers in the building leading from roof to street; and

WHEREAS, it is proposed to set aside areas designated by shaded lines on plans filed with this appeal, for smoking purposes during two 15 minute periods in each shift; that the plant is operating under two shifts, one from 8 AM to 6:30 PM, the other from 7 PM to 5:30 AM.; that these areas

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to be guarded by fire guards who will patrol them during the smoking periods and who will have on hand, adequate safety equipment; that it is also proposed to provide a sufficient number of metal receptacles containing water in these areas; and

WHEREAS, the applicant contends that if employees are permitted to smoke under certain limitations as to time and place, operating efficiency is continued at a higher level than otherwise; that these 10 hour shifts are long and arduous and unless smoking periods are provided for, fatigue sets in and the capacity and efficiency of the employee drop sharply; that heretofore the lack of smoking periods has resulted in surreptitious and unlawful smoking in the factory with considerable fire hazards; and

WHEREAS, the Board is in receipt of a communication from the Inspector of Naval Aircraft of the U. S. Navy, wherein it is stated that if employees are allowed to smoke for limited times during the day, it will improve the capacity for production and that the Board is therefore urged to take into consideration this factor in passing on this application.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the requirements of the labor law, and the Smoking in Factories, rules of the Board, as cited in the decision of the fire commissioner, dated October 22, 1943, and that the application be and it hereby is *granted on condition* that the smoking areas shall be maintained as proposed; that the number and position of guards, the designation and location of areas as shown and the size and type of receptacles shall be maintained to the satisfaction of the fire commissioner; that the time during which smoking is to be permitted, shall not exceed two 15 minute periods in each 8 or 10 hour shift, except in the office area as proposed; that signs shall be prominently posted to the satisfaction of the fire commissioner, stating the time of such periods; that this variance is granted only during the term of the present emergency; that the sprinkler system, interior alarm system and fire drills shall be maintained to the satisfaction of the fire commissioner; that all dipping, spraying or use of volatile inflammable materials shall be discontinued during such smoking periods, but that the ventilating system installed in connection with such spraying system shall be continued in operation during such periods; that such additional portable fire fighting appliances shall be maintained in such smoking areas as the fire commissioner shall direct; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

1042-41-S

APPLICANT—Brewster Aeronautical Corporation, Inc. (lessee), for Braeco Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Variation of the Labor Law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—34-01 to 34-09 38th avenue, north side, from 34th to 35th streets (Block 376, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Merwin Lewis and William T. Landry.

For Administration: Thomas Larkin, Fire Dept.

ACTION OF BOARD—Application reopened and restored to calendar and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (1042-41-S)

WHEREAS, this application from a decision of the fire commissioner, affecting premises 34-01 to 34-09 38th avenue, north side, from 34th to 35th streets (Block 376, Lot 1),

Long Island City, Borough of Queens, was granted by the Board on December 16, 1941, on certain conditions and the applicant requested an amendment of the resolution, based on a recent decision of the fire commissioner; and

WHEREAS, the decision of the fire commissioner dated October 22, 1943, reads:

"We have your letter of October 22nd wherein you request permission for your employees to smoke in certain areas of your factory located at the above mentioned premises.

In reply you will please be advised that your application must be denied for the reason that smoking is prohibited in this factory building by the provisions of the State Labor Law and the Rules of the Board of Standards and Appeals."

and

WHEREAS, the applicant states that on December 16, 1941, the Board granted a variation of the Labor Law, permitting smoking on the fourth floor where the only work carried on was of a clerical or Administrative nature; and

WHEREAS, the applicant now requests reopening of this application to enlarge the scope of the Board's ruling, so as to permit smoking in other areas where manufacturing is done; and

WHEREAS, it is proposed to set aside areas designated by shaded lines on plans filed with this appeal, for smoking purposes during two 15 minute periods in each shift, that the plant is operating under two shifts, one from 8 A. M. to 6:30 P. M., the other from 7 P. M. to 5:30 A. M., that these areas to be guarded by fire guards, who will patrol them during the smoking periods and who will have on hand adequate safety equipment and that it is also proposed to provide a sufficient number of metal receptacles containing water in these areas; and

WHEREAS, the applicant contends that if employees are permitted to smoke under certain limitations as to time and place, operating efficiency is continued at a higher level than otherwise that these 10 hour shifts are long and arduous and unless smoking periods are provided for, fatigue sets in and the capacity and efficiency of the employee drop sharply; that heretofore the lack of smoking periods has resulted in surreptitious and unlawful smoking in the factory with considerable fire hazards; and

WHEREAS, the Board is in receipt of a communication from the Inspector of Naval Aircraft of the U. S. Navy, wherein it is stated that if employees are allowed to smoke for limited times during the day, it will improve the capacity for production and that the Board is therefore urged to take into consideration this factor in passing on this application.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the fire commissioner, dated November 6, 1941, and that the application be and it hereby is *granted* modifying the requirements of the Smoking in Factory Rules, *on condition* that there shall be no smoking within the building except on the fourth or top floor as long as such floor is used for office work; that no manufacturing operations shall be carried on in such floor except that smoking shall not be carried on within the stair halls and stairways; that the sprinkler system, standpipe system and fire alarm system shall be maintained in accordance with the requirements and to the satisfaction of the fire commissioner; that such signs shall be posted as to smoking as the fire commissioner shall direct; that in all other respects the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

Resolved further, that the decision of the fire commissioner, dated October 22, 1943, be and it hereby is *modified* and that the application be and it hereby is *amended*, so that the smoking areas shall be maintained as proposed; that the number and position of guards, the designation and location of areas as shown and the size and type of receptacles shall be maintained to the satisfaction of the fire commissioner; that the time during which smoking is to be permitted, shall not exceed two 15 minute periods in each 8 or 10 hour shift, except in the office area as proposed; that signs shall be

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prominently posted to the satisfaction of the fire commissioner, stating the time of such periods; that this variance is granted only during the term of the present emergency; that the sprinkler system, interior alarm system and fire drills shall be maintained to the satisfaction of the fire commissioner; that all dipping, spraying or use of volatile inflammable materials shall be discontinued during such smoking periods, but that the ventilating system installed in connection with such spraying system shall be continued in operation during such periods; that such additional portable fire fighting appliances shall be maintained in such smoking areas as the fire commissioner shall direct; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

974-40-A

APPLICANT—Chand Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—3-7 West 22nd street, north side, 120 ft. west of Fifth avenue (Block 824, Lot 32), Borough of Manhattan.

APPEARANCES—

For Applicant: Chas. Schiermeister and Andrew Schiermeister.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (974-40-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 3-7 West 22nd street, north side, 120 ft. west of Fifth avenue (Block 824, Lot 32), Borough of Manhattan, was granted by the Board on May 13, 1941, on certain conditions, resolution amended on March 30, 1943 and the applicant requested a further amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of May 13, 1941 as amended March 30, 1943, by adding thereto:

"that the existing standpipe system may be continued as installed with the standpipe risers and hose on each floor located in the public hall adjacent to the westerly stairway enclosure, as was permitted under section 102 of the Building Code then in force, provided the standpipe system is maintained to the satisfaction of the fire commissioner; that on the door leading from the stair-hall enclosure to such public hall in which the standpipe riser is located, there shall be a sign on the stair side reading: 'Standpipe Outlet'; that such letters shall be 2 inches high in red on a white background."

58-43-A

APPLICANT—Theodore Rosen, for Department of Correction, City of New York, owner.

SUBJECT—Application for consideration—reopening and restoration to calendar—Appeal from decisions of the borough superintendent (previously withdrawn).

PREMISES AFFECTED—339-341 (337 displayed) Berry street, east side, 90 ft. south of South 4th street (Block 2443, Lot 6), Borough of Brooklyn.

APPEARANCES—

For Applicant: Theodore Rosen and Joseph Batha.

For Administration: Fred Dahlem Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened, restored to calendar and granted on condition.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE VOTE TO GRANT—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (58-43-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 339-341 (337 displayed) Berry street, east side, 90 ft. south of South 4th street (Block 2443, Lot 6), Borough of Brooklyn, was withdrawn on July 20, 1943; and

WHEREAS, the applicant requested a reopening and restoration to the calendar; and

WHEREAS, the decision of the borough superintendent, dated August 3, 1942, on Alt. Applic. 673-42, reads:

"In reply to your request for an acceptance by this department of the plumbing work installed recently by the Department of Correction at the above premises, your attention is called to the fact that this work was executed without a permit having been received from this department and by an unlicensed plumber. It is therefore, in violation of Section 2.1.1.4.2 and 2.1.1.4.5 of the Building Code, and C26-164.0 of the Administrative Code, and we cannot approve the work.

However, an inspection of installation has been made by this department, and as far as appears, this work seems satisfactory."

and

WHEREAS, the decision of the borough superintendent dated October 4, 1943 on P & D Applic. 1044-42, reads:

"The plumbing work under Plumbing and Drainage Application 1044-42 is not approved because it was done under the supervision of other than a licensed plumber."

and

WHEREAS, the applicant states that the building is one story (20 ft.) in height, 47 ft. by 203 ft. in area, of class 1 construction, erected in 1938, located in an unrestricted use district and used as follows: cellar—boiler room; 1st floor—storehouse; proposed to be occupied: cellar—boiler room—1 person; 1st floor—garage for more than 5 motor vehicles—6 persons; and

WHEREAS, temporary Certificate of Occupancy 105700, was issued June 2, 1942, for a period of 90 days, permitting the use of the building as a garage for more than five cars; and

WHEREAS, the applicant contends that the plumbing installation was made by a civil service employee having the title "Instructor of Plumbing", who is now in the armed forces; that the work was performed under the direct supervision of the applicant who is a licensed professional engineer and has been laying out, designing and supervising plumbing installations for 20 years in the City of New York; that the Department of Housing and Buildings has stated that the work is satisfactory and it is therefore requested that Section 2.1.1.4.5 of the Building Code be waived, so that a permanent certificate of occupancy can be issued for the building; and

WHEREAS, the applicant further contends that the plumbing installation was made in accordance with Section 624 of the New York Charter, which reads:

"The Commissioner shall maintain and operate buildings and structures under his jurisdiction. The commissioner may construct such additions and repairs to buildings under his jurisdiction as can be accomplished by the use of the labor of persons under his care and custody and with materials in the possession of the department."

and Section 625 of the New York Charter, which reads:

"Every inmate of an institution under the authority of the commissioner shall be employed in some form of industry, in farming operations or other employment,

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and products thereof shall be utilized in the institutions under the commissioner or in any other agency. Those persons held for trial may be employed in the same manner as sentenced prisoners, provided they give their consent in writing. Such inmates or prisoners held for trial may be detailed by the commissioner to perform work or service on the grounds and buildings or on any public improvement under the charge of any other agency."

Resolved, that the decision of the borough superintendent dated October 4, 1943 acting on P. & D. Applic. 1044-42 be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that no additional plumbing or drainage work shall be constructed except under the requirements therefor.

MATERIAL SUBMITTED FOR APPROVAL

157-38-SM

APPLICANT—The Dextone Company, owner.

SUBJECT—Application reopened and restored to calendar, March 18, 1941—Lith-I-Bar Precast Light-Weight Joists, approval of (previously dismissed for lack of prosecution).

APPEARANCES—

For Applicant: Louis A. Falco.

ACTION OF BOARD—Material approved in accordance with report of Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

NOTE—The report of the Committee on Tests and the resolution of the Board relative to the approval of the Lith-I-Bar Precast Light-Weight Joists will be printed in a subsequent issue of the Bulletin, pending the submission by the applicant of a drawing capable of reproduction for Figure 1, referred to in the report of the Committee on Tests. Prior to such publication this approval is not in effect.

Adjourned: 4:00 P. M.

JOSEPH J. DOYLE, Chief Clerk.

324-43-SM

APPLICANT—The Richmond Fireproof Door Co., owner.

SUBJECT—Richmond One and One-half Hour Flush Metal Clad Kalamein Fire Door (in Pairs), approval of.

APPEARANCES—

For Applicant: George S. Nobles.

ACTION OF BOARD—Material approved in accordance with report of the Committee on Tests.

THE VOTE TO APPROVE—

Affirmative Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.... 4
Negative 0

THE RESOLUTION (324-43-SM)

WHEREAS, the Richmond Fireproof Door Company, owner filed on June 12, 1943, an application with the Board of Standards and Appeals for approval of the material known as the Richmond One and One-half Hour Flush Metal Clad Kalamein Fire Door (in Pairs); and

WHEREAS, this material was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

September 14, 1943.

Cal. 324-43-SM

Subject: Richmond One and One-half Hour Flush Metal Clad Kalamein Fire Door (in Pairs), approval of.

The Richmond Fireproof Door Company of Richmond, Indiana, filed June 12, 1943, an application with the

Board of Standards and Appeals for approval of the Richmond One and One-half Hour Flush Metal Clad Kalamein Fire Door in pairs under the provisions of C26-661.0 (10.8.2) C26-663.0 (10.8.4.2) and C26-662.0 (10.8.3) Administrative Building Code and under the Multiple Dwelling Law.

A one and a half hour fire test of the door was conducted at the Underwriters Laboratories in Chicago on August 19, 1943. The test assembly was designed for the protection of an opening in a 12 inch brick wall, 7 ft. 6 in. in width and 7 ft. 6 in. in height.

The test sample (Fig. 1) consisted of a pair of swinging metal-clad doors of the flush type hung on half and full mortise hinges, equipped with a single point lock and installed in a 14-gauge steel frame, mounted in a 12-inch brick wall.

DESCRIPTION OF PARTS

Frame—Standard label type, No. 14 USG pressed steel, 8-in. jamb width with $\frac{5}{8}$ in. integral stop forming rabbets 1-15/16 in. deep, adjustable anchors, and 14-gauge angle sill clips. Net opening size 7 ft. 6 in. by 7 ft. 6 in. Each jamb mortised, reinforced, drilled, and tapped for $1\frac{1}{2}$ pair hinges. Right-hand door hung on $4\frac{1}{2}$ by $4\frac{1}{2}$ in. full mortise hinges and left-hand door hung on $4\frac{1}{2}$ in. half-surface steel hinges.

Doors—Flush type metal-clad, reinforced, mortised, drilled, and tapped for mortise hardware. Size 3 ft. 8 $\frac{7}{8}$ in. by 7 ft. 5 $\frac{1}{2}$ in. by 1 $\frac{3}{4}$ in. thick (each leaf).

Door Construction—

Core—White pine and spruce 8 in. maximum nominal width, two-ply construction, vertical ply dressed to 25/32 in., tongued and grooved, horizontal ply to 27/32 in., square edged, laid between vertical rabbeted edge members composing the primary core, with all edges square. Core assembled with standard 2-in. clinch cut nails.

Right-Hand Swing Leaf with Mortise Butts

Hinge-Edge Strip—Consisted of 1 by 1 $\frac{5}{8}$ in. beveled, grooved, and slotted wood and a 24 USG by 1 $\frac{5}{8}$ in. steel strip, length equal to height of finished core, attached to core with four 8-D cement-coated nails. Slots in wood strip to receive hinge reinforcing plates.

Lock Edge Strip—Consisted of 1 by 1 $\frac{1}{2}$ in. beveled, grooved, and slotted wood and a 15/16 in. by 1 $\frac{5}{8}$ in. 24 USG channel with back slotted, length equal to height of finished core, attached to core with four 8-D cement-coated nails. Slots in wood strip to receive lock reinforcing plates. Channel slot to clear lock case.

Horizontal Edge Strips—Top and bottom edges reinforced with strips consisting of 1 by 1 $\frac{1}{2}$ in. wood and 15/16 by 1 $\frac{5}{8}$ in. 24 USG channels, length equal to width of primary core not including vertical edge strips, each attached with three 8-D cement-coated nails.

Left-Hand Swing Leaf with Half-Surface Butts

Hinge Edge Strip—Consisted of 1 by 1-9/16 in. beveled and grooved wood and a 15/16 by 1 $\frac{5}{8}$ in. 24 USG channel, length equal to height of finished core, attached to core with four 8-D cement coated nails.

Lock Strike Edge Strip—Consisted of 1 by 1 $\frac{1}{2}$ in. beveled, grooved, and slotted wood and a 15/16 by 1 $\frac{5}{8}$ in. 24 USG channel, length equal to height of finished core, attached to core with four 8-D cement coated nails. Slots in wood to receive strike reinforcing plates.

Horizontal Edge Strips—Same as for right-hand door.

Note: The special 24 gauge folded channels were used as a substitute for 22-gauge steel which is not available under WPB Order L-142; 22 gauge to be used when available and wood strips to be increased to 1-9/16 in. in width.

Asbestos Lining—1/16 in. minimum thickness applied on top side face of doors and top edges before metal is applied.

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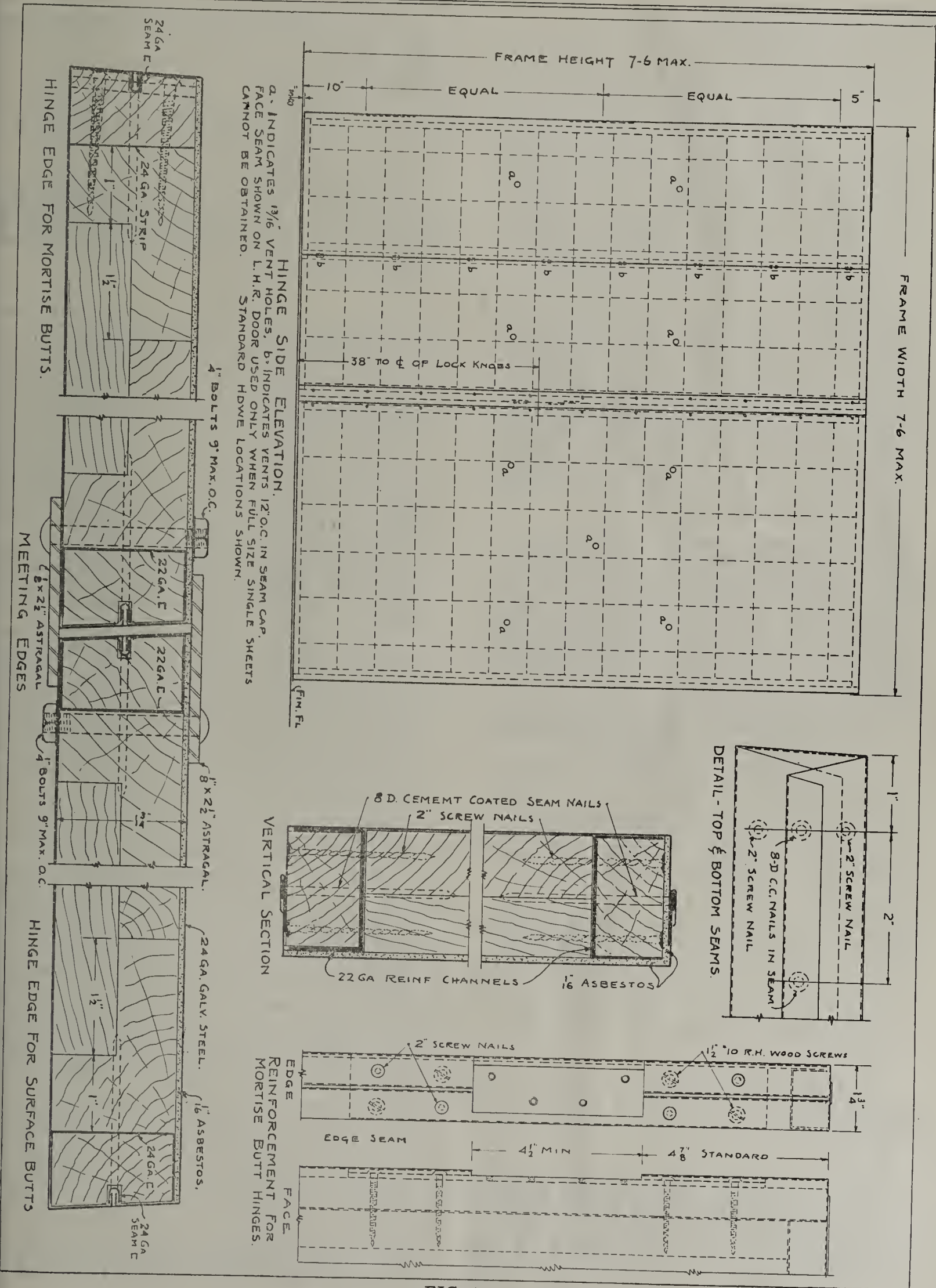


FIG. 1.

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Hardware Reinforcements

Hinge Edge Right-Hand Door—12 USG by 1½ by 11 in. steel plates slid into slots in wood edge strip, each plate secured with four 1½ in. No. 10 R. H. wood screws.

Lock edge, Right-Hand Door—Two 12 USG by 1½ by 3½ in. plates slid into slot in wood edge strip, each plate secured with two 1¼ in. No. 10 R. H. wood screws.

Hinge Edge, Left-Hand Door—No reinforcements provided for the half-surface butts.

Lock Strike Edge, Left-Hand Door—Strike and flush bolts each, provided with two 12 USG by 1½ by 3½ in. plates slid into slots in wood edge strip, each plate secured with two 1¼ in. No. 10 R. H. wood screws.

Metal Covering

Seam Channels of No. 24 USG steel were inserted in grooves of vertical edge strips; were continuous except where interrupted by hardware reinforcements.

Face Sheets, Left-Hand Door—No. 24 USG galvanized steel. Each vertical edge was flanged to fit edges of core and to enter seam channels. Seams locked with 2 in. screw nails driven through seam channel with heads bearing against side sheet flanges and points piercing steel strip or channel within core, also additional screw nails through hardware reinforcing plate. Top and bottom seams were formed and secured with 8-D cement-coated nails 2 in. on centers, nail points pierced reinforcing channels. Both vertical edge seams were flushed with solder.

Face Sheets, Right-Hand Door—Composed of two sheets on each face joined in center by an inverted cap seam. Outer edges of sheets flanged and formed same as on left-hand door where single sheets were used. The core faces were scored to receive seam caps and between the plies a 2 in. wide 24 USG strip was placed to receive the seam nails and lock seams together. Seams flushed with solder. In all other respects the spliced sheets were applied the same as when single sheets are used for each face.

Note: This seam construction is an alternate, to be used only when sheets of required width for single application cannot be obtained.

Tie Straps of 24 USG were applied to both vertical edges of each leaf.

The mortises for flush bolt face plates were lined with asbestos paper to prevent smoke passage.

The mortise for lock strike was provided with a 24 gauge box, for the same reason, as the strike was flat plate type. A box strike may be substituted.

Vent Holes

Sixteen 13/16 in. diameter vent holes equally spaced were put through face sheet on wide (hinge) side, 10 in. from each edge of left-hand door, and fourteen in right-hand door. Metal discs replaced and soldered in place. In addition to the fourteen vents, the right-hand door had eight slotted vent holes in seam cap as shown.

The solder used was 30/70, the only alloy permitted by WPB.

Astragals

Each leaf provided with a ½ by 2½ in. flat steel astragal attached with ¼ in. bolts approximately 9½ in. on centers.

Hardware

The right-hand active door was hung on 1½ pair Stanley No. 179, 4½ by 4½ in. full mortise hinges, and the left-hand inactive door on 1½ pr. No. 173, 4½ in. half surface hinges.

Lock set—Sargent No. 6827 with a steel latch bolt, ¾ in. throw.

Lock strike was steel.

Flush bolts—Stanley No. 1116—9 in. with steel ½ in. square bolts.

Painting

Door was unpainted.

INSTALLATION, OPERATING, FIRE AND FIRE HOSE STREAM TESTS:

Description of Sample

These tests involved the erection of a pair of swinging metal clad doors constructed as previously described. The door assembly was 7½ ft. in width and 7½ ft. in height as shown in Fig. 1. The doors and parts were galvanized and unpainted.

Method

The frame was mounted in a 12-in. brick wall opening and was permitted to season before test.

The assembly was mounted under the observation of an engineer of Underwriters' Laboratories, Inc.

These tests were conducted in accordance with the requirements of Fire Tests of Opening Protective Assemblies, Building Code Administrative Building Code of the City of New York.

Clearances along the top of door averaged about 1/16 in. in the active door and ⅛ in. in the inactive door, about 3/32 in. along hinge stiles, 3/32 in. along lock stiles, and about ⅜ in. in the active and ¼ in. in the inactive door at the sill. These clearances were taken on the exposed face.

The equipment regularly used by Underwriters' Laboratories, Inc. for tests of fire doors, was used, with additions to the apparatus for indicating temperatures at various locations on the unexposed surface of the door.

After the panel on which the door was mounted was drawn into position, the fire was started in the furnace, exposing one face of the door to gas flames controlled in accordance with the Standard Time Temperature Curve. This exposure to fire was continued for 1½ hr. after which time the panel was withdrawn from the furnace and the exposed face was immediately subjected to the impact and cooling action of a 30-lb. water stream applied for 1 min. in accordance with the Administrative Building Code Fire Test Specifications.

The furnace chamber temperatures were indicated by eight calibrated thermocouples symmetrically located.

There was mounted in front of the door assembly a demountable, removable, insulated 600-cu. ft. hut.

Temperatures on the unexposed surface of the door were indicated by three thermocouples on unexposed face of each door as shown in Photo 2. Each thermocouple was covered by a 6 by 6-in. dry asbestos pad, in accordance with the Fire Test Specifications. In addition to the above, bare thermocouples were placed on the door and at 18 in. away from the unexposed face, about 54 in. up from the sill of the door. These temperatures were taken within the smoke chamber installed in front of the unexposed face of the test assembly.

The smoke conditions within the 600 cu. ft. chamber were determined by means of a standard photo-electric cell. There were ten changes of air in the chamber each hour.

Deflections of the doors were determined by measurements at about the center point on a horizontal line across the center of the doors. The reference base was a fine wire, mounted on the wall frame, with one end fixed to the door and the other free to slide so as to remain in a constant position with respect to the original location of the points at which measurements were taken.

Throughout the Fire and Fire Hose Stream Tests observations were made to note the character of the fire and its control; the condition of the exposed face

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as observed through mica windows provided in the end walls of the furnace, and all developments pertinent to the performance of the door as a fire retardant with special reference to stability, heat insulation, and flame passage; and the general condition of the door resulting from application of the fire hose stream.

No difficulty was experienced during the installation using tools and methods ordinarily employed by mechanics doing this type of work. After the door was installed and adjusted, it operated satisfactorily.

Character of Fire—The fire was luminous and fairly well distributed after the first 5 min. of test. Because of the volume of flame from the vent holes in the exposed face considerable difficulty was experienced in adhering to the Standard Time Temperature Curve.

RESULTS

Observations of the Door from the Fire Side—The exposed face indicated some buckling and bulging during the first 5 min. of test. This condition did not cause any marked failure of the assembled parts during the 1½ hr. fire exposure.

The hardware remained in position during the test.

The head of the frame above the inactive door bulged upward away from the door during the early part of the test, thus forming an opening into the furnace chamber. The frame was in position after the Hose Stream Test.

The vents released during the first 2 min. of test, and flames were first apparent at about 5 min. from vent holes. The volume of flame increased from the vent holes as the test progressed. Flames also issued in small volume from the vertical edges of the door. No flames were apparent from the top or bottom of the door during the test. Small blue flames were issuing from the vents when the door was withdrawn from the furnace after 1½ hr.

The top edge of the inactive door began to bulge away from the frame stop at about the center of the opening early in the test and was about 1 in. away at 10 min., increasing gradually as the test progressed, assuming a maximum of about 1½ in. at 70 min. The bulge at the top of the active door toward the fire did not exceed ½ in. The doors remained in position during the test. The application of the hose stream reduced the bulge toward the fire to 7/16 in.

Observations of the Door from the Unexposed Side—Smoke first appeared around the door knob at 8 min., appearing at top center meeting edge at 10 min., igniting at the meeting edge at 15 min. Slight flames continued at this location for about 10 min., then gradually died out. Slight flames appeared at the top mortise hinge at 37 min., but did not extend beyond this area, and continued for about 10 min., then gradually died out.

No passage of flame through or around the assembly was observed during the 1½ hr. exposure, although flames were observed at the top meeting rail at 15 min. and at the top hinge of the active door at 37 min. These flames on the unexposed face were apparently from gases distilled from the wood core which escaped in the area surrounding the mortise hardware and when subjected to fire temperatures ignited. These flames, in small volume, continued for some time, then gradually disappeared. The observed opening along the top of the doors due to general bulge of the doors toward the fire and the upward buckle of the frame would apparently permit the passage of flame under positive pressure conditions.

There was a maximum reduction of visibility of 15 per cent in the chamber mounted in front of the assembly at 15 min.

The bulge of the assembly toward the fire was progressive, assuming a maximum of 3-1/16 in. at 55 min., then a gradual reduction to 2¾ in. at 89 min. was observed during the remainder of the test.

At the conclusion of the fire endurance test a hose

stream was applied in accordance with the provisions of C26-586.0 (10.1.9) through a one and one-eighth inch standard tapered, smooth bore nozzle held at 20 ft. from the door. The pressure at the inlet of the nozzle was maintained at 30 lbs. per sq. in. and it was applied for a period of 45 seconds.

Taking into account the observed bulging of the door assembly toward the fire and the buckling of the exposed metal covering, it must be concluded that doors designed to be installed in locations where the exposure is severe on each side of the opening should be provided with at least one vent hole at about the center on the opposite face of the door, this vent to be so located that it will be at least 12 in. off center with the corresponding vent on the opposite face of the door.

At 30 min. the temperatures under the asbestos pads averaged 133 deg. F. The temperature 18 in. away from the unexposed face of the sample within the chamber was 78 deg. F. at 15 min. and 88 deg. F. at 30 min.

As was noted from the temperature curve, flammable substances placed against the unexposed face of the door would ignite. The top edge of the inactive door bulged away from the stop in the frame a maximum of about 1½ in. during 90 min. fire exposure, then assumed the original position during the application of the hose stream. It is safe to assume that under most conditions in the field a clear space will be provided in front of the opening.

RECOMMENDATIONS

On the basis of this test meeting the requirements of C26-610.0 (10.1.18) Administrative Building Code, the Committee recommends the approval of the Richmond One and One-half Hour Flush Metal Clad Kalamein Fire Door in pairs as made at the applicant's plant in Richmond, Indiana, for a rating of one and one-half hours for use as an opening protective assembly in fire partitions under C26-661.0 (10.8.2) and an opening protective assembly in fireproof partitions (¾ hour) under C26-662.0 (10.8.3) when constructed and hung strictly in accordance with the specifications set forth herein, and as shown in Fig. 1. The Committee also recommends the approval of such doors as a fireproof door for use under the Multiple Dwelling Law, Art. 1, Sec. 4, Item 10, which provides for a fire resistive rating of one hour. When doors are constructed in sizes permitted to be 25 per cent in excess of the door as tested such doors 8 ft. or higher shall be provided with surface applied 3 point locks and when exceeding 4 ft. in width strap hinges shall be provided. Doors equipped with surface-applied latching and hinge mechanism shall have reinforcements along the vertical metal seam edges. All opening protective assemblies manufactured under this approval shall be marked and inspected, as provided for in the Opening Protective Assembly Rules of the Board of Standards and Appeals.

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this material.

Resolved, that the Board of Standards and Appeals does hereby approve the material known as the Richmond One and One-half Hour Flush Metal Clad Kalamein Fire Door (in Pairs), on condition that the material be manufactured, installed and labelled, stamped or tagged in accordance with above report.

RULES

RULES FOR TESTS OF FIRE-RESISTIVE, FLAMEPROOFED MATERIALS, SUCH AS TEXTILES, PAPER, SIMILAR MATERIALS AND ADHESIVES USED FOR DECORATIVE PURPOSES AND TREATED ACOUSTICAL DRAPERIES, CARPETS AND SIMILAR MATERIALS FOR USE IN PLACES OF PUBLIC ASSEMBLY AND SPECIAL OCCUPANCY STRUCTURES.

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS MAY 3, 1940. EFFECTIVE, IN ACCORDANCE WITH SECTION 665, SUBDIVISION C, OF THE NEW YORK CITY CHARTER, MAY 27, 1940.

[Cal. No. 294-40-SR]

AUTHORITY:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraph 2, of the Charter of the City of New York and Section C26-721.0b (12.2) as amended by Local Law No. 170, approved November 14, 1939, and Section C19-161.1 Local Law No. 112, approved July 18, 1939.

1.0 SCOPE

These requirements apply to flameproofed combustible materials used for decorative or other purposes within special occupancy structures as defined in Section C26-715.0 (12.1.1) and other places of public assembly as provided in Section C-19-161.0, which was amended by Local Law No. 112.

2.0 GENERAL REQUIREMENTS

It shall be unlawful for any person to use any decorations, drape, curtain or scenery used for artistic enhancement which is made of combustible material, unless painted or saturated with a non-combustible material or liquid or otherwise rendered safe against fire to the satisfaction of the Fire Commissioner and in accordance with the requirements of these Rules, in any building of a public character, including a hotel, theatre, restaurant, public hall, department store, and a building used or intended to be used for purposes of public assembly, amusement or instruction, and a building where large numbers of persons congregate (See Section C19-161.1) except as exempted in Rule 7.

After flameproofing, such processing as ironing, sewing and normal handling shall have no detrimental effects on the treatment of the material.

3.0 APPROVAL OF MATERIALS AND METHODS USED IN FLAMEPROOFING TEXTILES, ETC.

3.1 No materials or methods for flameproofing combustible materials for use under these Rules shall be used unless approved by the Board.

4.0 FLAMEPROOFING PROPERTIES.

The flameproofed material, when subjected to the test described in Rule 5.0, shall meet the following requirements as to fire-retardant properties.

4.1 FLASHING—No flashing shall occur at any time on the length of the test specimen. A flashing due to fuzz or bad edges may be disregarded.

4.2 DURATION OF FLAME—The average continuation of flaming shall not exceed 3 seconds.

4.3 DURATION OF GLOW—The average continuation of glow at the edge of the charred area shall not exceed an additional twenty seconds after the cessation of flaming. Glow confined to the charred area may be disregarded.

5.0 TESTS.

Tests for each specific installation of originally treated combustible material, or any re-tests thereof, shall be made by the Fire Commissioner, or in a laboratory approved by him, in accordance with the requirements of these Rules.

5.1—SAMPLING FOR TEST SPECIMENS—

Samples of each variety of material and for every kind of treatment shall be subject to separate tests. Samples shall be of sufficient size to furnish test specimens provided for in Rule 5.2. At least three samples shall be furnished for every 500 square feet or fraction thereof.

5.2—TEST SPECIMENS—Specimens for test shall be 2 in. wide and 12½ in. long and shall be numbered on one end. Test specimens shall be carefully cut from at least three different places in the material to provide a minimum of three test specimens from each material for testing.

5.3 CONDITIONING OF TEST SPECIMENS—The test samples or test specimens shall be dried for 24 hours in a room of average temperature of 70° F., with an average humidity of 40%.

5.4—TEST FOR PERMANENCE OF CHEMICALS—Test specimens shall be suspended by folding and pinning one-half inch of the numbered end over a horizontal 8-gauge wire, placed two inches above the center of a 7-inch opening in a 3 ft. wind tunnel arranged to deliver a wind velocity to the air, at the tunnel end, of 700 lineal feet, plus or minus 50 ft. per minute, as measured by a suitable anemometer on a line with the wire. In this position the test specimens shall be whipped for five minutes. Immediately upon conclusion of this test, the specimens shall be placed in a closed dry container until required for the flame test.

5.5 APPARATUS FOR FLAME TEST—The apparatus shall consist of a ring stand 20 inches high with an adjustable clamp housed in a metal shield 12 inches square and 20 inches high, open in front and at both ends and a Bunsen or Tirrill gas burner which shall have a tube of ⅜-inch inside diameter.

5.6 FLAME TEST—A whipped test specimen shall be taken from the closed container required in Rule 5.4 and suspended vertically with one-half inch of the numbered end in a clip held in a clamp on the ring stand so that the test specimen shall hang vertically within and near the center of the metal shield required in Rule 5.5. The lower end of the test specimen shall be three-quarters of an inch above the top of the gas burner on which the air supply is shut off completely and adjusted to give a luminous flame 1½ inches long. The flame shall be applied for 12 seconds, then withdrawn. The result of the test for duration of flame and duration of glow of the three test specimens shall each be averaged and recorded. Flashing, if any, shall be noted.

6.0 APPROVAL AND CERTIFICATION.

The approval of materials that have been flameproofed, as provided in Rule 1.0 and tested as required in Rule 5.0 with flameproofing properties as given in Rule 4.0, shall be limited to one year. An affidavit by the person, firm or corporation flameproofing the combustible materials shall be filed with the Fire Commissioner stating that the flameproofing compound and method complies with the approval of the Board, with calendar number thereof, and including the date of treatment and warranted period of effectiveness of the flameproofing.

6.1 The Fire Commissioner may require check tests at any time. Upon the termination of the approval, as provided for in Rule 6.0, a retest of the flameproofed combustible materials shall conform to the following:

Flameproofed materials shall withstand a test of at least 400° F., as measured by a pyrometer, or other acceptable method, for approximately one-minute's duration by means of an open flame. Under such test, the flameproofed material shall not flash or support combustion and shall not glow outside of the char if a char is set up by the open flame. Material found not to conform to these requirements, shall be removed and replaced with materials conforming to the requirements of Rule 4.0.

7.0 EXEMPTION.

These Rules shall not be construed to apply to merchandise for sale or displayed for sale, to guest rooms in hotels, to offices, to works of art in museums, nor to churches or places of religious worship.

352.05
NEW

BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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No. 45

DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1000 to 1018.

TELEPHONE—WOrth 2-5600.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.
Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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Minutes of Regular Meeting November 3, 1943, at 2 P. M., Affecting Calendar Numbers 710-42-S, 203-43-A, 379-43-A, 417-43-A, 419-43-A, 422-43-A, 426-43-A, 427-43-S, 428-43-A, 430-43-A, 451-43-A, 483-43-A, 489-43-A, 508-43-A, 247-43-A, 39-43-SM, 472-42-SA, 100-43-SA, 288-43-SA and 830-39-SM.

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PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET

New Cases Filed up to November 2, 1943.

- | <i>Cal. No.</i> | <i>Dept.</i> | <i>Premises Affected</i> |
|-----------------|--------------|---|
| 512-43-A | F.D. | 44-50 West 28th street, south side, 100 ft. east of Sixth avenue (16th floor); (Block 829, Lot 68), Borough of Manhattan, 36121-L.C. |
| 513-43-A | H.B.B. | 2448 East 24th street, west side, 275 ft. north of Avenue Y (Block 7422D, Lot 422), Borough of Brooklyn, Alt. 611-43. |
| 514-43-S | H.B.Q. | 80-18 Cooper avenue and 70-27 80th street, southeast corner (Building 11); (Block 3806, Lot 2), Glendale, Borough of Queens, Alt. 1101-43. |
| 515-43-A | F.D. | 91-04 132nd street, southwest corner of 91st avenue (Block 297, Lots 230, 231 and 232), Richmond Hill, Borough of Queens, 95253-C and Decision. |
| 516-43-A | H.B.Q. | 57-46 Flushing avenue, 59-05 60th avenue, 58-12 59th drive and 59-83 59th street, east side, 214 ft. 10 in. south of 59th drive (Block 2649, Lots 113 and 135 and Block 2653, Lot 5), Maspeth, Borough of Queens (Under section 35, General City Law re bed of mapped street—59th street), Alt. 1412-43. |
| 517-43-BZ | H.B.Bx | 155 Gun Hill road and 3501 Bainbridge avenue, northwest corner (Block 3328A, Lot 60), Borough of The Bronx, Alt. 349-43. |
| 518-43-SM | | Metal Covered Door Associates, Kalamein One and One-Half Hour Test Fire Door Assembly, manufactured by Metal Covered Door Associates, Material. |
| 519-43-A | H.B.B. | 622 Ocean View avenue, south side, 25 ft. west of Brighton 7th street (Block 7284, Lot 1445), Borough of Brooklyn, B.N. 13065-38. |
| 520-43-A | F.D. | 54-82 Broadway, southeast corner of Wythe avenue (Basement, 2nd, 8th and 10th floors); (Block 2130, Lot 5), Borough of Brooklyn, 10992-L.F. and Decision. |
| 521-43-A | F.D. | West side of Holland avenue, between Arlington place and Richmond Terrace (Block 1301, Lot 1), Mariners Harbor, Borough of Richmond, 36029-C. |
| 522-43-BZ | H.B.Q. | 152-02 to 153-10 Tenth avenue, 10-01 to 11-28 152nd street, southeast corner and 10-34 154th street (Block 4536, Lots 17, 32, 33, 42, 44, 47 and 68, Block 4538, Lots 1 and 18 and Block 4539, Lots 1, 18, 19, 30 and 32), Whitestone, Borough of Queens, N.B. 228-43. |
| 523-43-A | H.B.Q. | 152-02 to 153-10 Tenth avenue, 10-01 to 11-28 152nd street, southeast corner and 10-34 154th street (Block 4536, Lots 17, 32, 33, 42, 44, 47 and 68, Block 4538, Lots 1 and 18 and Block 4539, Lots 1, 18, 19, 30 and 32), Whitestone, Borough of Queens, (Under section 35, General City Law re bed of mapped street—153rd street), N.B. 228-43. |

524-43-A—F.D.—793-801 Second avenue and 250 East 43rd street, southwest corner (10th floor); (Block 1316, Lots 27, 28, 28½, 29 and 30), Borough of Manhattan, 35763-L.C. and Decision.

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

RULES

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Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

NOVEMBER 9, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, November 9, 1943, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

1051-27-BZ—Application of Lama and Proskauer, applicants, on behalf of Rutland Parkway, Inc., owner (Sinclair Oil Refining Co., lessee), reopened December 1, 1942, under sections 7c and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of an auto laundry (located upon an existing gasoline service station) to a motor vehicle repair shop and, also, the inclusion of parking and storage of more than five motor vehicles; premises 724-740 Ralph avenue and 81-101 East 98th street, northwest corner (Block 3530, Lot 1), Borough of Brooklyn.

CALENDAR

198-20-BZ—Application of Henry Nordheim, applicant, on behalf of Maresca Co., Inc., owner, reopened September 14, 1943, under section 7c of the zoning resolution, to permit in a business use district, the inclusion of a motor vehicle repair shop in a public garage—the said public garage was previously granted by the Board; premises 2653 Webster avenue, west side, 151.03 ft. south of East 195th street (Block 3277, Lot 36), Borough of The Bronx.

466-43-BZ—Application, September 29, 1943, under section 21 of the zoning resolution, of George A. Boehm, applicant, on behalf of Harcourt Johnstone, Amos R. E. Pinchot and Gifford Pinchot, owners, to permit in a residence use district, the conversion of occupancy of a building occupied as a garage for more than five motor vehicles and auto repair shop to a factory; premises 146-150 West 63rd street, south side, 100 ft. west of Amsterdam avenue (Block 1134, Lot 58), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 9, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, November 9, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

434-43-A—136-146 41st street, south side, 240 ft. east of First avenue (Block 716, Lot 20), Borough of Brooklyn.

435-43-A—420-444 West 110th street, south side, 200 ft. east of Amsterdam avenue and 115-143 West 109th street (Block 1864, Lot 9), Borough of Manhattan.

491-43-S—108-112 West 3rd street, south side, 97 ft. west of Sullivan street (Block 540, Lot 17), Borough of Manhattan.

455-43-A—36-27 to 36-39 36th street, south side, 243.31 ft. west of 36th avenue (Block 636, Lots 14, 15 and 19), Long Island City, Borough of Queens.

303-43-A—478 Bay street and 21-23 Congress street, northwest corner (Block 509, Lot 8), Stapleton, Borough of Richmond.

Appliances for Approval.

391-43-SA—American Gas Furnace Co., Oxygen Gas Fishtail Burners, Blowpipes and Accessories.

565-42-SA—Security Fire Door Company, Type DL Interlock.

567-42-SA—Security Fire Door Company, Type C Contact.

569-42-SA—Security Fire Door Company, Type D Interlock.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 16, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, November 16, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Zoning Applications.

222-43-BZ—Application, May 11, 1943, under section 7h of the zoning resolution, of Arthur Weiser, applicant, on behalf of Bijou Realty Corporation, owner, to permit partly in a residence use and partly in a business use

district, for a term of two years, the parking and storage of more than five motor vehicles; premises west side of Riverdale avenue, 157.01 ft. north of West 232nd street (Block 3409E, Lot 374), Borough of The Bronx.

1333-22-BZ—Application of Robert J. Farrington, applicant, on behalf of Besemer Realty Corporation, owner, reopened October 26, 1943, for consideration as to rehearing as to new use—motor vehicle repair shop in rear portion of building—re Application, previously granted on condition, under section 7c of the zoning resolution, permitting partly in a business use and extending into a residence use district, the erection and maintenance of a business building; premises 662 East Fordham road, south side, 50.96 ft. west of Cambreleng avenue (Block 3091, Lot 22), Borough of The Bronx.

585-42-BZ—Application, July 21, 1942, under section 7c of the zoning resolution, of William V. McDevit, applicant, on behalf of Socony-Vacuum Oil Co., Inc., owner, to permit in a business use district, the extension in area of an existing gasoline service station and, also, the erection thereon and maintenance of a building to be used as auto laundry and lubritorium; premises 4091 Hylan boulevard and 293 Nelson avenue, northeast corner (Block 5158, Lot 37), Great Kills, Borough of Richmond.

Appeals from Administrative Decisions.

399-43-A—2531-2539 Broadway, west side, from West 94th street to West 95th street and 250-254 West 95th street (Block 1242, Lots 55 and 10), Borough of Manhattan.

361-43-A—16 Central avenue, west side, 134.62 ft. south of Hyatt street (Block 6, Lot 75), St. George, Borough of Richmond.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 16, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, November 16, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

364-43-A—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

592-42-S—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

593-42-A—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

115-43-S—21-10 49th avenue, southeast corner of 21st street (1st floor); (Block 71, Lot 1), Long Island City, Borough of Queens (reopened September 14, 1943 re amendment of resolution).

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 23, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, November 23, 1943 at 10 o'clock in Room 1013 Municipal Building, Manhattan, on the following matter:*

CALENDAR

Zoning Application.

494-43-BZ—Application, October 20, 1943, under sections 7a and 21 of the zoning resolution, of Humphrey Nolan, applicant, on behalf of Emigrant Industrial Savings Bank, owner, to permit in a residence use district, the conversion of occupancy of a building occupied as laundry and storage to a factory; premises 518-524 East 80th street, south side, 298 ft. east of York avenue (Block 1576, Lots 37 and 39), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 23, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, November 23, 1943* at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeal from Administrative Decision

516-43-A—57-46 Flushing avenue, 58-12 59th drive, 59-05 60th avenue and 59-83 59th street, east side, 214 ft. 10 in. south of 59th drive (Block 2649, Lots 113 and 135 and Block 2653, Lot 5), Maspeth, Borough of Queens (under section 35, General City Law re bed of mapped street—59th street).

Appliance and Material for Approval

726-41-SA—Dry-Sys Type L Indirect Oil-Fired Air Heater and Syphon Oil Burner, for Industrial Installation.

354-43-SM—Olsen Clip System 2-in. Solid Plaster Partition.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 7, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 7, 1943*, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Zoning Application.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 14, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 14, 1943* at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Zoning Application.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

WEDNESDAY MORNING, NOVEMBER 3, 1943

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

The minutes of the regular meetings of the Board held on Tuesday morning, October 26, 1943, and Tuesday afternoon, October 26, 1943, were approved as printed in Bulletin No. 44, Volume 28.

ZONING CASES

222-43-BZ

APPLICANT—Arthur Weiser, for Bijou Realty Corporation, owner.

SUBJECT—Application (decision of the acting borough superintendent) under section 7h of the zoning resolution, to permit partly in a residence use and partly in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—West side of Riverdale avenue, 157.01 ft. north of West 232nd street (Block 3409E, Lot 374), Borough of The Bronx.

APPEARANCES—

For Applicant: Arthur Weiser.

For Opposition: Harold Klorfein, Dep't of Parks.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 16, 1943 at 10 A. M., for further consideration by the Board.

1092-38-BZ

APPLICANT—Paul Friedman, for Sambern Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the parking and storage of more than five motor vehicles, limited to tenants of adjoining apartment houses only (previously denied re public parking lot).

PREMISES AFFECTED—167-01 to 167-19 Depot road, north side, entire block, between 167th and 168th streets, 36-27 to 36-39 167th street and 36-34 to 36-42 168th street (Block 5294, Lot 1 and part of Lot 6), Flushing, Borough of Queens.

MINUTES

APPEARANCES—

For Applicant: Paul Friedman.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (1092-38-BZ)

WHEREAS, this application under section 7h of the zoning resolution, to permit in a business use district for a temporary term of two years, the parking and storage of more than five motor vehicles, affecting premises 167-01 to 167-19 Depot road, north side, entire block, between 167th street and 168th street, 36-27 to 36-39 167th street and 36-34 to 36-42 168th street (Block 5294, Lot 1 and part of Lot 6), Flushing, Borough of Queens, was denied by the Board on April 11, 1939; and

WHEREAS, the applicant requested a reopening and reconsideration, to permit the parking and storage of more than five motor vehicles, limited to the tenants of the adjoining apartment houses only; and

WHEREAS, this application was reopened by vote of the Board on May 23, 1939, subject to usual procedure; and

WHEREAS, on October 31, 1939, this case was granted by the Board, on certain conditions; and

WHEREAS, subsequently the permit was extended on October 28, 1941 and the resolution amended on June 23, 1942; and

WHEREAS, the applicant has now requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of October 31, 1939, as amended through June 23, 1942, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"*Granted* under section 7h for a term of two (2) years from the date of this *amended* resolution, to permit the plot as described in the resolution adopted June 23, 1942, to be occupied for the parking and storage of more than five (5) motor vehicles, *on condition*, etc."

1007-40-BZ

APPLICANT—The City Savings Bank of Brooklyn, owner (Barnett Budoff, lessee).

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a temporary term of not more than two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—256-264 Ashland place, west side, 60 ft. south of Fulton street and 172 ft. north of Lafayette avenue and 83 Rockwell place (Block 2107, Lots 27, 29 and 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: William I. Hohaus.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (1007-40-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 256-264 Ashland place, west side,

60 ft. south of Fulton street and 172 ft. north of Lafayette avenue and 83 Rockwell place (Block 2107, Lots 27, 29 and 30), Borough of Brooklyn, was granted by the Board on October 21, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of October 21, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"*Granted* for a term of two (2) years from the date of this *amended* resolution, to permit the premises to be occupied for the parking and storage of more than five (5) motor vehicles, *on condition*, etc."

72-41-BZ

APPLICANT—Gerald E. Dwyer, for New York Central Railroad Company, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting partly in a business use and partly in a restricted retail use district, the parking and storage of more than five motor vehicles for a temporary period.

PREMISES AFFECTED—275 ft. west of Lexington avenue and 344 ft. 4 in. east of Vanderbilt avenue, between East 45th street and East 46th street (Block 1300, Lot 6), Borough of Manhattan.

APPEARANCES—

For Applicant: Gerald E. Dwyer.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (72-41-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting partly in a business use district and partly in a restricted retail use district, the parking and storage of more than five motor vehicles for a temporary term of two years, affecting premises, 275 ft. west of Lexington avenue and 344 ft. 4 in. east of Vanderbilt avenue, between East 45th street and East 46th street (Block 1300, Lot 6), Borough of Manhattan, was granted by the Board on July 15, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 15, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"*Granted* under section 7h for a term of two (2) years from the date of this *amended* resolution, to permit the premises to be occupied for the parking and storage of more than five (5) motor vehicles, *on condition*, etc."

233-41-BZ

APPLICANT—Samuel Gardstein, for James Coghlin, owner (George McClelland, lessee).

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting partly in a residence use and partly in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

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PREMISES AFFECTED—9419-9423 Fifth avenue, east side, 102 ft. 8½ in. north of 95th street (Block 6118, Lot 5), Borough of Brooklyn.

APPEARANCES—

For Applicant: Paul Friedman.

For Administration: Fred Dahlem, Dep't of Housing and Buildings

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (233-41-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting partly in a residence use district and partly in a business use district for a term of two years, the parking and storage of more than five motor vehicles affecting premises 9419-9423 Fifth avenue, east side, 102 ft. 8½ in. north of 95th street (Block 6118, Lot 5), Borough of Brooklyn, was granted by the Board on October 15, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of October 15, 1941, only in so far as it has reference to the term of the variance, so that as amended, this portion of the resolution shall read:

"Granted for a term of two (2) years from the date of this amended resolution, to permit, etc."

577-42-BZ

APPLICANT—George H. Cohn, for Crew Levick Corporation, owner. (Joseph E. Johnston, lessee).

SUBJECT—Application for consideration—reopening and extension of time—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting partly in a business use and partly in a residence use district, the extension of an existing gasoline service station for parking and storage of more than five motor vehicles for a term of two years.

PREMISES AFFECTED—1 Bay Ridge avenue and 6833 Shore road, northeast corner (Block 5859, Lots 10 and 12), Borough of Brooklyn.

APPEARANCES—

For Applicant: Martin D. Eile.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application and resolution amended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (577-42-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting partly in a business use district and partly in a residence use district, the extension of an existing gasoline service station for parking and storage of more than five motor vehicles for a term of two years, affecting premises 1 Bay Ridge avenue and 6833 Shore road, northeast corner (Block 5859, Lots 10 and 12), Borough of Brooklyn, was granted by the Board on January 12, 1943, on certain conditions, time extended on July 13, 1943 and resolution amended on July 27, 1943; and

WHEREAS, the applicant requested a further extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of January 12, 1943, as amended through July 27, 1943, only in so far as it has reference to

obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that all permits required shall be obtained, all work completed and a Certificate of Occupancy obtained within one (1) month from the date of this amended resolution."

Adjourned: 11:00 A.M.

JOSEPH J. DOYLE, Chief Clerk

REGULAR MEETING

WEDNESDAY AFTERNOON, NOVEMBER 3, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

APPEALS FROM ADMINISTRATIVE DECISIONS

710-42-S

APPLICANT—Gordon-Lacey Chemical Products Company, (lessee), for Advance Construction Corporation, owner.

SUBJECT—Application reopened and restored to calendar, October 19, 1943—Variation of the labor law as cited in an order and a decision of the fire commissioner (previously dismissed for lack of prosecution.)

PREMISES AFFECTED—57-02 48th street (Block 2554, Lot 24), Maspeth, Borough of Queens.

APPEARANCES—

For Applicant: Hyman D. Abbey.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Application withdrawn to comply.

THE VOTE TO WITDRAW—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

203-43-A

APPLICANT—Fischbach and Moore, Inc., for City of New York, Department of Marine and Aviation, owner (American Export Airlines, Inc., lessee).

SUBJECT—Application reopened September 14, 1943 re amendment of resolution—Appeal from a decision of the fire commissioner.

PREMISES AFFECTED—East side of 81st street, north of Ditmars boulevard, Seaplane Hangar No. 2 (Block 926), La Guardia Field, Jackson Heights, Borough of Queens.

APPEARANCES—

For Applicant: W. F. Requa.

For Administration: Thomas A. Larkin and Joseph R. Thackaberry, Fire Dep't.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (203-43-A)

WHEREAS, this appeal from a decision of the fire commissioner, affecting premises, east side of 81st street, north of Ditmars boulevard, Seaplane Hangar No. 2 (Block 926), La Guardia Field, Jackson Heights, Borough of Queens, was granted by the Board on May 4, 1943, on certain conditions and the applicant requested an amendment of the resolution; and

WHEREAS, this case was reopened and restored to the calendar, subject to usual procedure; and

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WHEREAS, the applicant requested amendment of the resolution, to permit the use of thin walled conduit throughout and the use of "EI" insulated wire throughout, in lieu of the rubber insulated type R wire; and

WHEREAS, the applicant contends that the WPB would not permit the use of rigid conduit or rubber covered wire, as both of these items are classified as critical materials.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted May 4, 1943, so that as amended it shall read:

"*Resolved*, that the decision of the fire commissioner, dated April 6, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted* for the term of the emergency and for 6 months thereafter, *on condition* that in all other respects, the installation complies with the requirements of the rules of the Board; that in any portion of the installation where paper covered wire is used outside the building, such portion shall be relocated inside the building or replaced with approved wire in lead cable."

379-43-A

APPLICANT—Seelig and Finkelstein for Derian Realty Corporation, adjoining property owner.

OWNER OF PREMISES—Rose Lipstein.

SUBJECT—Application reopened October 13, 1943 re Appeal from a decision of the borough superintendent re Revocation of Permit 1784-43; previously withdrawn.

PREMISES AFFECTED—1642 St. Johns place, south side, 227 ft. west of Ralph avenue (Block 1387, Lot 34), Borough of Brooklyn.

APPEARANCES—

For Applicant: Harry Finkelstein and Harold Schneider.

For Opposition: Benjamin Friedland and Charles Wapner.

For Administration: Fred Dahlem and Henry Phenev, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4

THE RESOLUTION (379-43-A)

WHEREAS, Seelig and Finkelstein, for Derian Realty Corporation, adjoining owner, filed July 29, 1943, an application for revocation of Permit No. 1784-43, issued by the borough superintendent in connection with approved Alteration Application 1943-43, affecting premises 1642 St. Johns place, south side, 227 ft. west of Ralph avenue (Block 1387, Lot 34), Borough of Brooklyn; and

WHEREAS, this appeal was withdrawn on September 28, 1943; and

WHEREAS, the applicant requested a reopening of the case and restoration to the calendar; and

WHEREAS, the case was reopened by vote of the Board on October 13, 1943 and restored to the calendar; and

WHEREAS, the decision of the borough superintendent, dated October 18, 1943, reads:

"Replying to your letter of October 13, 1943, you are advised that your request to revoke permit 1784-43 issued on September 29, 1943 in connection with the approved Alteration 1943/43, is hereby denied for the following reason:

"That the extension of the stack above the adjoining building is for the purpose of improving existing conditions and reducing the possible annoyance to the neighbors from smoke nuisance and would not classify this improvement as an extension of the use. Also, the boiler pit is not an extension in use."

and

WHEREAS, the applicant states that the premises consist of a plot 16 ft. 7 in. front, 47 ft. 11½ in. at the rear, 120 ft. 3½ in. in depth; located in a business use district; upon which there exists a one story building 13 ft. in height; 16 ft. 7 in. front by 115 ft. in depth; of Class 3 construction erected in 1923 and used as a wet wash laundry with an occupancy of five persons and proposed to be used as a wet wash laundry with an occupancy of five persons; and

WHEREAS, the applicant contends that he represents the owner of No. 1630 St. Johns place, adjoining the building in question; that it is requested that the Board revoke Permit No. 1784-43 issued September 29, 1943, and the approval of Alt. Applic. 1943-43, approved July 22, 1943 for the erection of a chimney 36 ft. in height and the structural steel truss bracing and supporting same and for the excavation and erection of the new boiler pit in the cellar of the building at 1642 St. Johns place; that the work involved in this permit and approved plans unquestionably constitute a structural change which is evidenced by objections 4 to 12 issued by the borough superintendent July 21, 1943, on Alt. Applic. 1943-43; that these structural changes increase the envelope of the structure and are contrary to Section 6 (b) of the zoning resolution; that the use of this building as a wet wash laundry in a business district is non-conforming under Section 4a, subdivision 51 of the zoning resolution as amended May 29, 1940 by the City Planning Commission and approved by the Board of Estimate on June 29, 1940; and

WHEREAS, the premises were inspected on November 1, 1943, by a committee of the Board; and

WHEREAS, the Board deemed that Article II, Section 6, subdivision a, has no application to the premises under appeal inasmuch as Article II, Section 6, subdivision a, applies to existing non-conforming uses only, when such non-conforming uses were established prior to or on July 25, 1916; and

WHEREAS, the building in question was erected after 1916 and the permitted use as a wet wash laundry was lawfully established prior to the amendment of the zoning resolution, effective June 28, 1940, which, by Article II, Section 4(a), paragraph 51, made such a use a prohibited use in a business use district, in which the building is entirely located; and

WHEREAS, the building is protected by the provisions of Article II, Section 6, subdivision b, which permits the continuation of the lawful use; and

WHEREAS, the Board finds that the useable area of the building has not been increased nor the use changed and that the smoke stack has been erected partly for necessary draft and partly to provide for emission of fumes above the roofs of adjacent buildings; and

WHEREAS, the Board finds that the appeal is without merit and should be denied.

Resolved, that the decision of the borough superintendent dated October 18, 1943, be and it hereby is *affirmed*, and that the appeal to revoke permit be and it hereby is *denied*.

417-43-A

APPLICANT—John E. Cahill, for John Karas, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—159-26 131st street, east side, 1433 ft. south of Mott avenue (Block 3979, Lot 269), South Ozone Park, Borough of Queens.

APPEARANCES—

For Applicant: John E. Cahill.

For Administration: Fred Dahlem.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.... 4

Negative 0

THE RESOLUTION (417-43-A)

WHEREAS, John E. Cahill, for John Karas, owner, filed on August 30, 1943 an appeal from a decision of the borough superintendent, affecting premises 159-26 131st street, east

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side, 1433 ft. south of Mott avenue (Block 3979, Lot 269), South Ozone Park, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated August 11, 1943, on Alt. Applic. 1074-43, reads:

"1. Proposed frame extension in the fire limits is more than the width of the house, therefore, is contrary to Sec. 4.1.5d, subd. 3. B.C."

and

WHEREAS, the applicant states that the premises consist of a plot 24 ft. by 50 ft. in area; located in an undetermined use, A area district, upon which there exists a two story building, 22 ft. in height, 14 ft. by 27 ft. in area; of Class 4 construction; erected in 1926; and used and occupied as follows: cellar, none; 1st and 2nd floors, dwelling, one family, and extended in 1942 by the addition of a two story extension at the rear, 18 ft. 6 in. by 11 ft. in area and by the erection of a cellar story as indicated on alteration plans filed with the borough superintendent under Alt. Applic. 1074-43, and proposed to be used and occupied as follows: cellar, boiler room and storage, no persons; 1st and 2nd floors, dwelling, one family; and

WHEREAS, the applicant contends that the owner erected the extensions without filing plans; that a violation was issued and plans subsequently filed and the objection now appealed was issued on such plans; that in order to alleviate the unnecessary hardship entailed by the fact that the existing house contained insufficient area for his family, the owner proceeded to erect the extension to provide for the needs of a growing family; that in order to eliminate the heat at the 1st floor, resulting from the fact that there was no existing cellar or foundation, the erection and construction of a foundation and cellar was decided upon; that the extension in question will project 4 ft. 6 in. more than the width of the existing house, as permitted by Section 4.1.5d, subd. 3 of the Administrative Building Code and will be 3 ft. from the southerly lot line and 2 ft. 6 in. from the northerly lot line; that the extension will not affect the light and air of adjoining buildings; that there is a private road next to this property, which insures light and air; that the construction is in harmony with the neighborhood; that the projection will not affect health, safety or general welfare and it is therefore requested that the Board permit the construction of the extension, of Class 4 construction, surfaced on the exterior with wood siding and roof to be surfaced with asphalt shingles, all as indicated on plans filed with the borough superintendent.

Resolved, that the decision of the borough superintendent, acting on Alt. Applic. 1074-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall comply with all the requirements for a similar building when erected outside the fire limits.

419-43-A

APPLICANT—John E. Cahill, for Henrietta Stern, owner.
SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—73-07 194th street, east side, 39-23 ft. south of 73rd avenue (Block 7181, Lot 74), Flushing, Borough of Queens.

APPEARANCES—
For Applicant: John E. Cahill
For Administration: Fred Dahlem, Dept. of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners	
Savage and Blum and Deputy Chief Gunn....	4
Negative	0

THE RESOLUTION (419-43-A)

WHEREAS, John E. Cahill, for Henrietta Stern, owner, filed August 30, 1943, an appeal from a decision of the borough superintendent, affecting premises 73-07 194th street,

east side, 39.23 ft. south of 73rd avenue (Block 7181, Lot 74), Flushing, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated August 6, 1943 on Alt. Applic. 909-43, reads:

"1. Original approval of Board of Standards and Appeals under Cal. 480-41-A does not call for an open terrace in the rear, any extension in area for the above located building would require the approval of the Board of Standards and Appeals."

and

WHEREAS, the applicant states that the premises consist of a plot 40 ft. by 100 ft. in area; located in a business use, D area district, upon which there exists a two story building, 24 ft. in height, 28 ft. 6 in. by 34 ft. 6 in. in area; of Class 4 construction, as permitted by the Board under Cal. 480-41-A; erected in 1941, and occupied as a one family dwelling with attached accessory garage; and

WHEREAS, the applicant contends that it is proposed to roof over the present terrace at rear of dwelling and temporarily enclose same with screens or sash; that the size of the porch will be 20 ft. in width by 10 ft. in depth and 12 ft. in height; that the present terrace was erected at the time of the erection of the building; that in order to provide a shelter during the summer months, the owner proceeded with the preparation of plans for the proposed work, a contractor was engaged, but the owner refused to allow the work to begin until the permit was issued; that the porch will not project beyond the width of the existing building and will be less than the depth and height allowed under the provisions of Section 4.1.5d, subd. 3, of the Administrative Code; that the porch will not affect the light and air of adjoining buildings, as its construction will be in harmony with the neighborhood; that the proposed projection will not affect public health, safety or general welfare and if the Board permits its erection, substantial justice will be done; that the owner took title without the knowledge of the Board's prior action; that the area generally is zoned for residence use, D area with the exception of the 100 ft. business use, D area district on 73rd avenue; that the entire area has been developed for residential uses; that the owner assumed that he could erect the same type of porch extension as other dwellings in the neighborhood; that in view of these circumstances, it is requested that the Board grant a variation of the terms of the resolution adopted under Cal. 480-41-A, so as to permit the construction of the porch as proposed, of Class 4 construction, as shown on plans filed with the borough superintendent under Alt. Applic. 909-43.

Resolved, that the decision of the borough superintendent, acting on Alt. Applic. 909-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall not be further increased in height or area and that in all other respects, the building shall comply with all laws, rules and regulations applicable thereto, other than as modified by resolution adopted on September 23, 1941 under Cal. 480-41-A and that a corrected certificate of occupancy shall be obtained.

422-43-A

APPLICANT—Bayardi Brothers, Inc., lessee, for Mid-Manhattan Lofts, Inc., owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—21-27 West 46th street, north side, 225 ft. west of Fifth avenue (11th floor); (Block 1262, Lot 24), Borough of Manhattan.

APPEARANCES—

For Applicant: Fred W. Tiegtmeier, Jr.
For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners	
Savage and Blum and Deputy Chief Gunn....	4
Negative	0

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THE RESOLUTION (422-43-A)

WHEREAS, Bayardi Brothers, Inc., lessee, for Mid-Manhattan Lofts, Incorporated, owner, filed August 19, 1943, an appeal from an order of the fire commissioner, affecting premises 21-27 West 46th street, north side, 225 ft. west of Fifth avenue (11th floor); (Block 1262, Lot 24), Borough of Manhattan; and

WHEREAS, Order 34561-LC, issued by the fire commissioner May 13, 1943, and repeated in a decision of the fire commissioner dated July 30, 1943, reads:

"Before a permit may be issued for the storage and use of oxygen, the following must be done:

1. Have each person who operates a blow pipe or other similar device or apparatus for heating, melting or welding apply for and obtain a certificate of Fitness. Sec. C19-93.0-B, Article 17, Administrative Code."

and

WHEREAS, the applicant states the building is 15 stories, (179 ft. 9 in.) in height; 66 ft. 11 in. by 90 ft. in area at first floor; 66 ft. 11 in. by 53 ft. in area at typical floor; of Class 1 construction; erected 1928; located in a retail use, B area district; equipped with a sprinkler system and standpipe system and used and occupied as follows: cellar, storage and factory; 1st floor, stores; mezzanine, offices; 2nd to 11th floors, offices and factory, 12th to 15th floors, offices and factory, average occupancy 20 persons per floor, for which Certificate of Occupancy 27835 was issued June 20, 1941, permitting the present use with an occupancy of 30 persons on the 1st floor, 15 on the mezzanine, 60 on each of 2nd to 11th floors and 40 on each of 12th to 15th floors; not more than 25% of floor area of building to be used for manufacturing purposes; and

WHEREAS, the applicant contends that it operates a small shop engaged in the manufacture of jewelry and has since 1930, had a permit to store oxygen and the foreman of the shop has a certificate of fitness; that at the present time, the applicant employs 3 men who use oxygen but do not touch the container; that it is respectfully requested that the applicant be permitted to use oxygen with only the foreman of the shop holding a certificate of fitness and that the three workers who do not touch the container, be exempted from the law requiring them to hold certificates of fitness.

Resolved, that the order of the fire commissioner, acting on Order 34561-LC, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that at all times while the factory is in operation, there shall be at least one person in charge of the equipment who shall hold a certificate of fitness issued by the fire commissioner; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board under Cal. 134-29-S.

426-43-A

APPLICANT—Wilbur T. Emerson, for The Prudential Insurance Co. of America, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—12 East 86th street, southwest corner of Madison avenue and 11 East 85th street (cellar); (Block 1497, Lot 9), Borough of Manhattan.

APPEARANCES—

For Applicant: Edward Menden and A. R. Mitchell.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (426-43-A)

WHEREAS, Wilbur T. Emerson, for the Prudential Insurance Company of America, owner, filed September 21, 1943, an appeal from an order of the fire commissioner, affecting

premises 12 East 86th street and 11 East 85th street, southwest corner, 86th street and Madison avenue (cellar); (Block 1497, Lot 9), Borough of Manhattan; and

WHEREAS, Order 34767-LC, issued by the fire commissioner May 28, 1943, reads:

"A recent inspection of your premises indicates that the following must be done otherwise permit No. 133347 which is dated to expire April 27, 1944 will be revoked:

1. Discontinue the spraying of any article or thing with any flammable or combustible substance for instance, paint, varnish, lacquer, shellac, on these premises. Rule 1.3.1.—Spray Rules adopted by the Board of Standards and Appeals as per Sec. 488, New York City Charter."

and

WHEREAS, said order was referred to in an order of the fire commissioner dated August 4, 1943; and

WHEREAS, the applicant states the building is 15 stories, (150 ft.) in height, 204 ft. 4 in. by 220 ft. in area; of Class 1 construction; erected 1923; located in a residence and retail use district; of Class 1 construction; equipped with a standpipe system and sprinklers in the area affected, and occupied throughout as a Class A Multiple Dwelling; and

WHEREAS, the applicant contends that the spray booth has been in operation for approximately 13 years and is located in the basement of the building of fireproof construction; equipped with self-closing fire-proof door; that there are two exits from this area, one leading to the basement and the other leading to the outside court; that this room is ventilated by means of a stack with no other exhaust into the stack, that the spray booth room is completely sprinklered by approved automatic wet pipe system; that all lights in the room are approved vapor-proof type; that the booth is equipped with an approved exhaust fan and electric motors are screened; that the building has been operated as an apartment hotel since 1923; that the spray booth is used only in connection with the operation and maintenance of the building; that all recommendations of the Fire Underwriters and the Fire Department have been complied with; that the amount of spraying in any one day does not require the use of more than two quarts of material; that under Rule 11.1 of the Spray Rules, the Fire Department may waive the requirements governing the use of equipment for spraying where the quantities of material used does not exceed 2 quarts per day; that the denial of the right to continue the operation of the spray booth will result in a hardship to the owner; that there has never been an accident or fire in connection with the operation of the spray booth in question and it is therefore requested that the Board permit the operation of the spray booth and the use of spray materials not to exceed two quarts in any one day.

Resolved, that the order of the fire commissioner, Order 34767-LC, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the spraying equipment shall be maintained in the fireproof room in the basement as proposed; that such equipment shall comply in all other respects with the requirements therefor; that such spraying shall be maintained only for the repair of all moveable furniture and equipment belonging to the owner and used inside of the building; that the operator shall hold a certificate of fitness issued by the fire commissioner.

427-43-S

APPLICANT—S. Walter Katz, for Aljen Holding Corporation, owner.

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—406-416 East 91st street, south side, 94 ft. east of First avenue (Block 1570, Lot 41), Borough of Manhattan.

APPEARANCES—

For Applicant: S. Walter Katz.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

MINUTES

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (427-43-S)

WHEREAS, S. Walter Katz, for Aljen Holding Corporation, owner, filed September 3, 1943, an application for variation of the labor law as cited in a decision of the borough superintendent, affecting premises 406-416 East 91st street, south side, 94 ft. east of First avenue (Block 1570, Lot 41), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent issued July 23, 1943, reconsideration denied August 23, 1943, on Alt. 670-43, reads:

"5. Ramp should be enclosed as provided in Sec. 270-subd. 7, Labor Law.

6. All present stairways and required additional ones should comply with Sec. 270 subd. 3.4.5., Labor Law."

and

WHEREAS, the applicant states the building is 3 stories (39 ft.) in height, 125 ft. by 100 ft. 8½ in. in area; Class 1 construction; erected in 1930; located in an unrestricted use district and used and occupied as a garage for more than five motor vehicles; proposed to be occupied as follows: Cellar, boilerroom; 1st floor, garage for more than five motor vehicles, 5 persons; 2nd floor, same; 3rd floor, factory, 40 persons; that the building is equipped with a standpipe system, two 3 ft. 8 in. fireproof stairs, one of which leads to roof bulkhead and one to roof by ladder and both of which extend directly to street; and

WHEREAS, the applicant requests the Board to permit it for the duration of the war and six months thereafter, the use of the 3rd story of this fireproof building for manufacturing; that due to the gasoline shortage, the owners have been unable to rent the upper part of the building as a garage and a great hardship has resulted in maintaining the expense of taxes and interest; and

WHEREAS, the applicant contends as to objection 5, that this ramp only runs from 1st to 2nd floors and has no connection with the third story and contends as to objection 6, that the width of doors leading to stairway is 36 inches; and

WHEREAS, this building was erected under N. B. Applic. 101-1930 and is occupied as a storage garage.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the borough superintendent, acting on Alt. Applic. 670-43, and that the application be and it hereby is *granted* as to Objection 5, *on condition* that the ramp shall run from first to second story only and shall be used only in connection with the garage occupancy on such floors and shall have no connection to the proposed factory occupancy on the third floor; as to Objection 6, that the existing stairways as approved under N.B. Applic. 101-1930, shall be maintained; that the doors leading thereto shall be not less than 36 in. in width; that the occupancy of the third floor shall at no time exceed the total as permitted for the existing two enclosed stairways; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board under Cal. 428-43-A; and that such portable fire fighting appliances shall be maintained on the third floor, as proposed for factory use, as the fire commissioner shall direct; that the means of reaching the roof as proposed shall be maintained; that a new certificate of occupancy shall be obtained, which shall include the use of the building on the first and second floors as a storage garage for more than five motor vehicles.

428-43-A

APPLICANT—S. Walter Katz, for Aljen Holding Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—406-416 East 91st street, south side, 94 ft. east of First avenue (Block 1570, Lot 41), Borough of Manhattan.

APPEARANCES—

For Applicant: S. Walter Katz.

For Administration: Fred Dahlem, Dep't. of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (428-43-A)

WHEREAS, S. Walter Katz, for Aljen Holding Corporation, owner, filed September 3, 1943, an appeal from a decision of the borough superintendent, affecting premises 406-416 East 91st street, south side, 94 ft. east of First avenue (Block 1570, Lot 41), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent issued July 23, 1943, reconsideration denied August 23, 1943, Alt. Applic. 670-43, reads:

"2. All openings in stair enclosures should be equipped with approved fire-doors.

3. Sufficient number of stairways properly enclosed from roof to street, should be provided to accommodate number of persons based on one person for each 25 sq. ft. of floor area.

4. Factory floor should be designed for 120 lb. live load per sq. ft. Sec. 7.3.2.3. Bldg. Code."

and

WHEREAS, the applicant states the building is 3 stories, (39 ft) in height, 125 ft. by 100 ft. 8½ in. in area; Class 1 construction; erected in 1930; located in an unrestricted use district and used and occupied as a garage for more than five motor vehicles; proposed to be occupied as follows: Cellar, boilerroom; 1st floor, garage for more than five motor vehicles, 5 persons; 2nd floor, same; 3rd floor, factory, 40 persons; and

WHEREAS, the applicant contends as to Objection 2, that there is no direct connection from the garage to the third story, except by two fireproof enclosed stairways and a fireproof enclosed elevator shaft, and contends as to Item 3, referring to the egress from third floor, there will never at any time, be more than 30 persons occupying it and the exit facilities are sufficient for this number of people; that although the floor area is large, much of the space will be taken by the models manufactured and the occupancy will be limited to 40 persons; and

WHEREAS, the applicant contends as to Objection No. 4, that the use of the third floor will be for constructing models of plaster, Presdwood and metal, for the display of scenes of cities for future pilots, Red Cross Work, present war work, etc., and the space required for these displays is large areas and that those models weigh less than 20 lbs. per sq. ft; and

WHEREAS, the building was erected under N.B. Applic. 101 of 1930 and is occupied as a storage garage.

Resolved, that the decision of the borough superintendent acting on Alt. Applic. 670-43, be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to Objection 2, *on condition* that all openings to stair enclosures shall be equipped with self-closing fire doors as approved when installed under N.B. Applic. 101-1930, provided such doors are maintained in good condition satisfactory to the borough superintendent; as to Objection 3, that the number of persons engaged in work for factory on the third floor shall not exceed the number permitted for the existing enclosed two means of exit; as to Objection 4, that the third floor shall have a carrying capacity of not less than 75 lbs. per superficial foot and shall be so posted; that factory work permitted shall at no times exceed this capacity; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board under Cal. 427-43-S.

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430-43-A

APPLICANT—R. H. Shreve, for Avenue B and East 14th Street, Inc., owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—523-549 East 14th street and 234-244 Avenue B, northwest corner (Block 972, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: Matthew W. Del Gaudio and C. H. Huebner.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (430-43-A)

WHEREAS, R. H. Shreve, for Avenue B and East 14th Street, Inc., owner, filed September 2, 1943, an appeal from an order of the fire commissioner, affecting premises 523-549 East 14th St. and 234-244 Avenue B, northwest corner (Block 972, Lot 16), Borough of Manhattan; and

WHEREAS, Order 18356-LF, issued by the fire commissioner June 30, 1943, reads:

"1. Place sprinkler system in proper working order. C19-161.0 Adm. Code."

and

WHEREAS, the decision of the fire commissioner, dated August 6, 1943, reads:

"We are in receipt of your letter of August 4, 1943, and contents noted in reference to Order 18356-LF.

Under the existing circumstances, we cannot rescind the order and your request is therefore denied."

and

WHEREAS, the applicant states that the building is 3 and 4 stories (60 ft.) in height, 126 ft. 6 in. by 350 ft. in area; of Class 3 construction; equipped with an inoperative sprinkler system; erected prior to 1875; located in a business use district and used as a storage warehouse throughout; proposed to be used for storage warehouse on the first and second floors only; third and fourth floors to remain vacant; and

WHEREAS, the applicant contends that the property in question has been acquired as part of the site of a proposed post-war housing project, to be known as "Stuyvesant Town," and is included within the area bounded by East 14th street, East 20th street, 1st avenue and Avenue C; that all of the buildings within the area of the proposed housing project are to be demolished; that this building was erected prior to 1875, with walls and floors to carry loads of 200 lbs., per square foot, required by the Metropolitan Street Railway Company (former occupant), and is now used for storage and warehouse purposes, with loads of 120 lbs. per sq. ft.; that pending completion of negotiations for acquisition of the property within the above mentioned area, and during the existence of the present war emergency, it is necessary that income be received from the property, to assist in paying taxes and other carrying charges; that the materials required for complying with the order are not available at this time, and in view of the short remaining life of the building, the expense for compliance with the order is not justified; that to minimize the risk of fire in the building, it is proposed to occupy only the 1st and 2nd stories, leaving the 3rd and 4th floors entirely vacant, closing up all openings to the 3rd and 4th floors, except an opening required by caretaker for access to upper floors and roof for periodic inspections and repairs; that it is proposed to use 1st floor and 2nd floor for occupancy not deemed highly hazardous by the Fire Commissioner; that such portable fire extinguishers will be provided as may be required by the Fire Commissioner.

Resolved, that the order of the fire commissioner acting on Order 18356-LF, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall not be increased in height or area; that the third and fourth floors shall remain vacant; that all windows throughout shall have guards, grilles and boardings removed and sashes glazed, except that every other window may be filled in with approved masonry; that the first and second floors may be occupied as a storage warehouse, provided no roll newsprint paper shall be stored and no other material deemed extra-hazardous by the Fire Department, except paper boxes in bundles, with each bundle wrapped in paper; that all openings in the floors shall be filled in so that the floors shall have not less than 2 in. of flooring consisting either of 2 in. plank or two 1 in. floor boards; that the exits shall comply with the requirements of the Code therefor; that a masonry subdividing wall shall be built across the building through the first and second stories, so as to subdivide the building into substantially equal portions; that such wall shall be in accordance with the Code for fire walls and shall be fire-stopped between floors in accordance with the Code requirements; that the sprinkler system now in unusable condition, shall either be restored for use as a dry sprinkler system or entirely removed, including the street siameses; that such portable fire fighting appliances shall be maintained throughout the first and second stories as the fire commissioner shall direct; that a thermostatic alarm system shall be constructed and maintained throughout the building, with connections to fire headquarters through central station; that all stock shall be maintained 5 ft. from windows on 14th street and Avenue B and 5 ft. passageways shall be maintained on the second floor from east to west and north to south; that the ramp from the first and second stories may be maintained, provided it is made safe and with adequate guard railings and cut off between floors with fireproof self-closing doors; that this variance shall continue only during the term of the present emergency.

451-43-A

APPLICANT—Samuel Rosenblum, for Charles Bruning Company, Inc., owner.

SUBJECT—Appeal from order of the fire commissioner.
PREMISES AFFECTED—96 Reade street (94-108 Reade street), north side, 98 ft. 11½ in. west of Church street (Block 146, Lot 3), Borough of Manhattan.

APPEARANCES—

For Applicant: Samuel Rosenblum and Bernard Banks.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (451-43-A)

WHEREAS, Samuel Rosenblum, for Charles Bruning Company, Inc., owner, filed September 17, 1943, an appeal from an order of the fire commissioner, affecting premises 96 Reade street (94-108) north side, 98 ft. 11½ in. west of Church street (Block 146, Lot 3), Borough of Manhattan; and

WHEREAS, the order of the Fire Commissioner, 35679-LC dated August 20, 1943, reads:

"Before a permit may be issued to conduct a technical establishment, the following must be done:

2. Discontinue the storage of mineral oil on these premises in a quantity exceeding 1,100 gallons. Sec. 51-A-2, Article 8, Admin. Code."

and

WHEREAS, the applicant states the building is 6 stories, (70 ft.) in height, 49 ft. 9 in. by 60 ft. 8¾ in. at 1st floor, 49 ft. 9 in. by 55 ft. in area at typical floor; Class 3 construction; date of erection unknown; equipped with a sprinkler system;

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located in an unrestricted use district and occupied as follows: Subcellar, storage, 3 persons; cellar, printing shop, 12 persons; 1st floor, shipping, 25 persons; 2nd floor, offices, 50 persons; 3rd floor, blueprinting, 30 persons; 4th floor, same, 15 persons; 5th floor, same, 10 persons; 6th floor, laboratory, 10 persons; that the entire premises used by one occupant for the manufacture of blue prints, coating tracings, draftsman supplies, etc.; and

WHEREAS, the applicant contends that the mineral oil in question is stored in the sub-basement of building 96 Reade street, in solid metal drums as received from shippers; that when required for use, about 4 drums (220 gallons) are transported to the top floor, where it is mixed half and half with carbon tetrachloride and used for coating tracing cloth and paper; that the mixture is kept in 5 gallon bottles; that the mineral oil consists of 3300 gallons of #308 industrial white oil having a flashpoint of 350 deg. F. and #205 industrial white oil having a flashpoint from 280 to 300 deg. F.; that if the flashpoint were above 300 deg. F., no permit would be required for its storage; that owing to the difficulty in obtaining shipments and the necessity for fulfilling governmental contracts, it is necessary to keep a 45 day supply of the oil on hand; that the building has a horizontal exist on each floor protected by fire doors to building to the west; that stairs from 1st floor up are enclosed in fire-retarding material and the building is equipped with an automatic sprinkler system.

Resolved, that the order of the fire commissioner, acting on Order 35679-LC, Objection 2, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the mineral oil as proposed, shall not be increased in quantity and that no other materials shall be stored in the same section of the building at 96 Reade street, that are deemed extra hazardous by the fire commissioner; that the sprinkler system shall be maintained to the satisfaction of the fire commissioner and such portable fire fighting appliances shall be maintained as the fire commissioner shall direct; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations, other than as modified under calendar 287-42-A.

483-43-A

APPLICANT—Samuel Rosenblum, for Fisher Lewine and Sons Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—4446-4450 Broadway, east side, 74 ft. 6 in. south of Fairview avenue (Block 2170, Lot 59), Borough of Manhattan.

APPEARANCES—

For Applicant: Samuel Rosenblum.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (483-43-A)

WHEREAS, Samuel Rosenblum, for Fisher Lewine and Sons, Incorporated, owner, filed on October 7, 1943, an appeal from a decision of the borough superintendent, affecting 4446-4450 Broadway, east side, 74 ft. 6 in. south of Fairview avenue (Block 2170, Lot 59), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated October 5, 1943, on Alt. Applic. 802-43, reads:

"Obj. 2 Repeat. Exits from 2nd floor for proposed factory use inadequate. Provide 2 fireproof enclosed stairs 44" wide direct to street & roof—same to comply with Section 270 L.L. Reconsideration denied.

3a. Exits to be adequate for a no. of persons based on one for every 25 sq. ft. of floor area in factory portion. Reconsideration denied.

c. Cellar stairs to be enclosed in fireproof material—270 L.L. and cellar ceiling to be fire retarded as per 10.11 code. Reconsideration denied.

4a. Proposed live load for 2nd floor not acceptable—require a min. of 120 lbs. L.L. for mfg. 7.3.2.3. code. Show complete construction for adequacy of same. Reconsideration denied."

and

WHEREAS, the applicant states the building is two stories, (35 ft.) in height; 65 ft. 5¼ in. by 100 ft. in area at first floor; 65 ft. 5¼ in. by 41 ft. 8½ in. average in area at typical floor; of Class 3 construction; erected in 1929; located on the business use portion of a plot located in a business and residence use district; used as follows: Cellar, storage and boiler room; 1st floor, stores, 30 persons; mezzanine, offices, 15 persons; 2nd floor, vacant (formerly dance hall), 50 persons; it is proposed to be used and occupied as follows: cellar, storage and boiler room; 1st floor, stores, 30 persons; 2nd floor, offices, 15 persons; third floor, manufacturing dresses, 25 persons; that the building is equipped with one interior stairs, 4 ft. wide, of wood construction, leading directly to street, enclosed in fire-retarded partitions, equipped with fireproof self-closing door; that it is proposed to erect one fire escape at front of building, extending from top story to street and that the windows on the course to be fireproof self-closing; and

WHEREAS, the applicant contends that changes in conditions have resulted in the loss of the dance hall tenancy for the 2nd floor; that it is proposed to use the second floor for manufacturing with not over 25 persons employed; that the remainder of the premises will be used as heretofore; that with the addition to the proposed fire escape at the front of the building, two means of egress will be provided; that it is not intended to maintain an occupancy of one person to every 25 sq. ft.; that the capacity of the floor will at no time exceed the capacity of the existing interior stairs; that the cellar stairs referred to in Objection 3c are merely an accommodation stairs for the stores on 1st floor, covered by trap doors, and the cellars are used for storage only; and

WHEREAS, the applicant contends as to Objection 4a, the 2nd floor has been designed for 75 and 100 lbs. live load (75 lbs. about the stairs and 100 lbs. for the remainder of the floor area) that the proposed use will not entail a load in excess of 75 lbs. though the greater part of the floor is good for 100 lbs.; that it is proposed to limit the loading of the second floor to 75 lbs. and post signs to this effect; that to comply with Section 270 of the Labor Law for this small area where only one small floor is used for light manufacturing, would impose a great hardship, as it would entail too great an alteration and in view of the above, it is requested that the proposed change be accepted.

Resolved, that the decision of the borough superintendent, acting on Alt. Applic. 802-43, Objection 2, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the primary means of exit, as shown shall be enclosed in fire-retarded partitions with fireproof self-closing doors; that a second means of exit, consisting of an exterior fire escape, complying with the requirements of the Labor Law, shall be provided; that such fire escape shall have a goose neck ladder to roof; that within the enclosure of the primary means of exit, there shall be a double rung steel ladder leading through a scuttle to the roof; that such scuttle shall have an easy opening device; as to Objection 3a, that the number of persons occupying the second floor shall not exceed the number permitted for the primary means of exit; that the entire second story shall be occupied by one tenant only; as to Objection 3c, that the cellar stairs may be continued, provided same are used only as a means of reaching the cellar space under the individual stores and for the storage of the merchandise of such stores only; that the cellar ceiling throughout shall be fire retarded; as to

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Objection 4a, that the second floor shall be capable of sustaining a live load of not less than 75 lbs. per superficial foot throughout, and shall be so posted, that the occupancy of the second floor shall not exceed such loading and shall be of the light type, such as needle work or equivalent; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

489-43-A

APPLICANT—Inkograph Co., Inc., lessee, for Trinity Operating Co., Inc., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—182-200 Hudson street and 18-26 Vestry street, northeast corner (12 floor), (Block 221, Lot 30), Borough of Manhattan.

APPEARANCES—

For Applicant: William F. Wallace.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (489-43-A)

WHEREAS, Inkograph Company, Incorporated, lessee, for Trinity Operating Company, Incorporated, owner, filed October 14, 1943, an appeal from an order of the fire commissioner, affecting premises 182-200 Hudson street, and 18-26 Vestry street, northeast corner (12th floor); (Block 221, Lot 30), Borough of Manhattan.

WHEREAS, Order 36090-LC, issued by the fire commissioner October 1, 1943, reads:

"Before a permit may be issued for the storage of nitro-cellulose, the following must be done:

1. Discontinue the use of any artificial lighting other than the incandescent electric lights protected where necessary against mechanical injury or vapors with substantial wire guards or vaporproof globes and keyless sockets.

NOTE: The use of portable lights on extension cords in any rooms in which nitro-cellulose products are handled or stored is prohibited. Sec. C19-112.0-A."

and

WHEREAS, the applicant states the building is 12 stories in height, 200.11 ft. by 188.10 ft. in area; of Class 1 construction; erected 1926; located in an unrestricted use district and occupied since February, 1927, as follows: cellar, storage and boiler room, 4 persons; 1st floor, stores and restaurant, 110 persons; 2nd floor, bookbinding, 210 persons; 3rd floor, manufacturing typewriters and office, 210 persons; 4th floor, printing, 210 persons; 5th floor, manufacturing straps and binding, 210 persons; 6th floor, printing, 210 persons; 7th floor, manufacturing radios, 210 persons; 8th floor, bookbinding, 210 persons; 9th floor, bookbinding, 210 persons; 10th floor, manufacturing watches and printing, 210 persons; 11th floor, office, packing staples and engraving, 210 persons; 12th floor, manufacturing fountain pens, printing and binding, 210 persons; for which Certificate of Occupancy 12157 was issued February 5, 1927 on N. B. Application 175-26; that the building is equipped with a two source sprinkler system, a standpipe system, 3 interior fireproof stairs leading from roof to street; and

WHEREAS, the applicant contends that there are 25 fluorescent lighting fixtures suspended from ceiling in factory room marked "B" on plans; that 20 of these fixtures have two 20 watt bulbs and five have two 40 watt bulbs; that there are three fluorescent lighting fixtures suspended from the ceiling of buffing and polishing room marked "B" on plans; that there are 7 fluorescent fixtures, each containing two 20 watt bulbs located in factory annex C, which is used for the assembly of fountain pens; that in shipping room D, there is

a total of five fluorescent fixtures, three of which have two 40 watt bulbs and two of which have one 20 watt bulb; that in this room there is no manufacturing carried on; and

WHEREAS, the applicant further contends that on or about June 1, 1942, three fluorescent fixtures were installed in the factory in question; that in September, 1942, Permit No. M 99820 was issued as a renewal of existing combustible permit; that during November and December of 1942, additional fluorescent fixtures were installed; that the installation of these fixtures was approved by the Department of Water, Gas and Electricity and a Certificate of Electrical Inspection issued; that upon application dated Sept. 16, 1943 for the renewal of combustible permit by the Fire Department, the renewal of such permit was refused as indicated by the order herein appealed; that each of the manufacturing spaces occupied by the applicant are separated by fireproof walls from the balance of the floor area; that the applicant is engaged in the manufacture of fountain pens from nitro-cellulose products; that the pens are manufactured from a semi-finished product in tubing form received from the applicant's supplier's; that material which is not in the process of production in assembly, is kept in a fireproof vault; that approximately 70% of the applicant's production is for the armed forces; that the applicant has enjoyed a nonfire record over the 12 year period of occupancy; that the fluorescent fixtures in question have been in existence in the factory and shipping room for about a year and no combustion has occurred; that the fixtures are located suspended from the ceiling and away from any machinery; that the applicant should not be compelled to remove the fixtures in question, in view of the scarcity of wire and other electrical materials and its inability to obtain skilled electricians; that these fixtures are necessary due to the better lighting effect produced, which is essential in the important close tolerances of the assembly process; that ordinary incandescent lamps would not give the same quality of light as is secured from these fixtures.

Resolved, that order 36090-LC of the fire commissioner be and it hereby is modified and that the appeal be and it hereby is granted on condition that the premises shall be maintained to the satisfaction of the fire commissioner; that the cutting of nitro-cellulose products shall be carried on so as to preclude an accumulation of waste; that all waste nitro-cellulose material shall be immediately immersed in water and so maintained in metal receptacles until removed from the premises; that no other inflammable materials shall be used near such nitro-cellulose products unless protected to the satisfaction of the fire commissioner; that ample natural ventilation to the outer air shall be provided at all times; that no portable lights on extension cords in any rooms where nitro-cellulose products are handled or stored, shall be maintained; that in all other respects, including the regulations for nitro-cellulose occupancy, the premises shall be maintained in accordance with the requirements therefor.

508-43-A

APPLICANT—Eastman Kodak Co., owner.

SUBJECT—Re: Transportation and use of Motion Picture Film in Cardboard Containers (containers not in conformity with Administrative Code requirements).

APPEARANCES—

For Applicant: Edward L. Farrow, J. S. MacLeod, Norman B. Steinberg and others.

For Administration: Anthony J. Mojarrieta, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (508-43-A)

WHEREAS, Eastman Kodak Company, owner, filed an appeal from a decision of the fire commissioner, relating to the

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use of film containers made of fiber board within the City of New York; and

WHEREAS, the decision of the fire commissioner, dated October 14, 1943, reads:

"I am in receipt of your communication requesting approval of the employment of a cardboard container for film, in lieu of the metal type which the New York City Administrative Code requires for use in New York City. I feel that inasmuch as the Board of Standards and Appeals has undertaken an investigation of the merits of this new type cardboard container, and because it is properly a matter within the province of their jurisdiction, application should be made to that body for any approval for use.

I, therefore, deny your application to employ this container, and respectfully recommend that you apply to the Board of Standards and Appeals for such action as they may deem proper."

and

WHEREAS, the applicant contends that it has been its practice to supply professional motion picture film to the trade packed in metal containers; that due to the war emergency and the restrictions of the War Production Board's Order No. M-81, it has become necessary to ship such film in specially designed and manufactured paper board cartons; that although metal containers are required under Section C19-115.0, Item 10 of the Administrative Code, permission is requested for the use of paper board containers for the duration of the War and for a period of six months thereafter, such use to be limited to the shipment of new film from the manufacturing plant or warehouse to studios or laboratories and to the shipment of developed film, picture prints from laboratories to exchanges; that the paper carton which it is proposed to use, has been submitted to the Interstate Commerce Commission and been approved for such use; that the use of such paperboard containers has also been approved by the National Board of Fire Underwriters; that extensive tests have been carried on and results show that the paperboard cartons meet the purpose of decreasing fire hazard to a degree even greater than metal containers; that the carton which it is proposed to use, is fully described in the application filed with the Board of Standards and Appeals under Cal. 216-43-SM and a copy of the report of the Results of Tests made on such cartons has also been filed with the Board under that calendar number; and

WHEREAS, the boxes were tested by a committee of the Board under Calendar 216-43-SM and report of committee is as follows:

REPORT OF COMMITTEE ON TESTS.

Cal. 216-43-SM.

September 21, 1943.

Subject: Eastman Kodak Co.

Fibre Containers for Motion Picture Films,
Approval of.

Field reports from inspectors of the Division of Combustibles of the Fire Department were verbally received by the Board, advising that the Distributors of Motion Picture Film in New York City were using cardboard containers for the storage of processed and unprocessed motion picture film, contrary to the provisions of Sect. C19-115.0, Administrative Code, which requires that such film be stored in metal containers not less than #30 gauge thickness. The reports further advise that the use of metal for this purpose is precluded the Motion Picture Industry for local use by a "directive" of the War Production Board, thus placing the New York distributors with no alternative but to seek a substitute container of material unrestricted for the use by the War Production Board. Samples of the containers were collected by the inspectors of the Division of Combustibles of the Fire Department and submitted to the Board.

The principals in the film industry were interrogated by the Committee, whereby the foregoing facts were

confirmed. The Committee having taken full cognizance of the fact of material limitation, has, for the purpose of developing data on the integrity of these substitute containers, and for the purpose of providing a basis for a specific approval, instructed the appellant to file an application for approval of their containers. The application was filed under this calendar number and the Committee of the Board, after consultation with representatives of the Division of Combustibles of the Fire Department, devised parallel tests of film stored in approved type metal cabinet (Neumade Vented Cabinet—Cal. 838-39-SM), first using the metal container, as required by the Administrative Code, and repeating the procedure for the substitute container. The container proposed to be used by the applicant is described as follows:

Container

1. General—This specification covers the construction of a moisture resistant, full telescope, set-up box for use in packaging two 1,000 ft. rolls of 35 mm. nitrate motion picture film.

2. Description—The box is a full telescope, set-up box consisting of a base and cover. The base and cover each consist of three parts (inner, center, outer) inserted within each other. The inner part is a box made of corrugated paperboard. The center part is made of moisture-vaporproof glassine paper which is envelope-wrapped around the inner part. The inner part and center parts are then inserted into an outer part box made of a carton board stock. This forms a base or cover unit. Each unit is then wrapped with an asphalt laminated Kraft covering paper turned over the edges in order to hold the whole assembly together.

3. Materials.

A. Inner Boxboard is double faced, "B" flute corrugated paperboard of the following specification:

Corrugating: "B" flute corrugated, 0.009" Kraft, 26 lb./1000 sq. ft. or 0.009" Strawboard, 34 lbs./1000 sq. ft.

Facing (A): 0.016", 100 lb. test, Fourdrinier Kraft, 47 lbs./1000 sq. ft., water finished.

Facing (B): 0.016", 100 lb. test, Fourdrinier Kraft, 42 lbs./1000 sq. ft., dry finished.

The liners and corrugations are uniformly and securely bonded together and of Kraft color. Board does not contain more than 10 per cent. moisture by weight, based on the dry weight of the Board.

B. Center Part of Moisture Proof Paper consists of two sheets of glassine paper laminated with amorphous wax and coated on both sides with Piccolyte resin. Specifications are as follows:

Paper: 25 lb./ream (24" x 36"—500) unbleached glassine, free from resin and normally plasticized.

Laminating Wax: 7 lb./ream of an amorphous wax, free of resin.

Coating: The coating is 70% Piccolyte resin and 30% paraffin wax. Melting point of wax 130° to 132° F., ASTM method D87-37. Weight of coating is 3 lbs./ream equally divided between the two sides.

Moisture Vapor Transmission: The finished product has a moisture vapor transmission rate not exceeding 0.015 mg. per sq. cm. per hr. when tested 16 hours by Eastman Kodak Co. method I.L.S.P. serial No. 704.

C. Outer Boxboard is 0.020" to 0.025" unlined or single manila lined chip or other approved folding carbon board.

D. Cover Paper consists of two sheets of Kraft Paper laminated by means of petroleum asphalt. Specifications are as follows:

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Paper consists of two sheets of natural, undyed, machine glazed Kraft. One sheet to weigh 25 lbs./ream (24" x 36"—500) and the other to weigh 20 lbs./ream. Lamination made so that the glazed side of the 25 lbs. sheet exposed and the unglazed side of 20 lbs. sheet is exposed.

Asphalt: Asphaltum content is 20 lbs./ream.

Paper is free from wrinkles, blisters, pin holes, missed coatings or any other defects that might effect serviceability.

E. Staying Tape: Tape for corner staying is gummed Kraft, one inch wide, as follows:

Paper: Kraft paper, wgt. 120 lbs./ream (24" x 36"—500).

Mullen: 120 lbs./sq. in.

F. Glue: The glue mixture used for gluing the asphaltum cover paper and the moistureproof center paper is as follows:

Composition	For Asphalt Cover Paper	For Moisture proof Center Paper
K.P. Glue #21	8.0 lb.	6.0 lb.
75% Sulphonated Peanut Oil	0.25 lb.	0.50 lb.
430 Corn Syrup	0.25 lb.	0.50 lb.
Water	18.0 lb.	19.0 lb.

4. Dimensions: The inside dimensions of the box parts is as follows:

Length	Width	Depth	Part
9 7/8"	9 7/8"	2 15/16"	Inner base
10 3/32"	10 3/32"	3"	Outer base
10 3/16"	10 3/16"	3 1/16"	Inner Cover
10 13/32"	10 13/32"	3 1/8"	Outer Cover

5. Manufacture:

A. Inner Part: Corrugated board (par. 3A) is crease scored and corner cut so that the completed box has the water finish Kraft facing on the inside. The corners are stayed with gummed tape (par. 3E).

B. Center Part: The corner stayed inner part is envelope wrapped to within 1/8" of the open edges with moistureproof glassine paper (par. 3B) using the glue mixture specified in paragraph 3F.

C. Outer Part: Carton board (par. 3C) is crease scored and corner cut so that when corner stayed to form the outer part, an unlined board surface is on the inside of the box formed.

D. Unit Assembly: The moistureproof paper wrapped inner part is inserted into the carton board outer part.

E. Final Covering: The assembled unit (cover or base) is completely wrapped with asphalt laminated Kraft cover paper (par 3D); the paper being turned over the open edges and inside the inner part (3/8"—1/16") so as to join the inner and outer parts together. The cover paper is put on with the glue mixture specified in par. 3F with the machine glazed surface on the outside of the box.

G. Fit: When a completed cover and base are assembled, the cover bottoms on the base and the edge of the cover are flush with the bottom of the base. The fit of the cover and the base match that of the submitted sample.

6. Sealing of Box: After the film is loaded into the box, the box is full strip sealed with 2" wide gummed paper tape. The paper tape is an asphalt laminated Kraft of the same grade as used to cover the box (par. 3D).

INTERSTATE COMMERCE COMMISSION REGULATIONS RE FILM CONTAINERS

The regulations of the Interstate Commerce Commission appearing in Supplement No. 6 issued June 10, 1943 permits the shipment of film in fiberboard boxes as

authorized in paragraph appearing on page 4 reading as follows:

"(e) Spec. 12B.—One-piece fiberboard boxes complying with par. 30 (b) of this specification; authorized only when each film is in a tightly closed metal film-reel can or strong cardboard or fiberboard box with cover held in place by adhesive tape or paper containing not over 2,000 feet (approximately) of film; cans or boxes to be adequately braced in center of box by fiberboard at least 175-pound test, extending full depth of box. Gross weight not over 65 pounds. Closing of box must be effected by coating entire contact surfaces of flaps with efficient adhesive; stitched closure not authorized. Boxes that have been filled, shipped, and opened, are not authorized for reuse."

The following are the provisions of 30(b) taken from I. C. C. No. 4 issued June 6, 1941, page 133:

"(b) For more than 1 can: must be of 1-piece type; authorized gross weight 55 pounds when made of 325-pound test board, 65 pounds when made of 375-pound test board, and 75 pounds when made of 450-pound test board; interior packing required, of fiberboard at least 175-pound test, adequate to support inside cans in center of outside container; lining and top and bottom pads not required."

TESTS

Tests were conducted by the Committee of the Board, consisting of Commissioner B. A. Savage, Commissioner Charles M. Blum, Fire Chief John Gunn, Chief Engineer L. V. Huber and Inspector F. Mojarrieta of the Division of Combustibles, Fire Department, and also representatives of the applicant and the Neumade Cabinet Co. Details and results were as follows:

A new film storage cabinet manufactured by Neumade was used for all the tests. This Neumade Cabinet used had been approved by the Board under Cal. 838-39-SM and is described as follows:

These cabinets are constructed throughout of 18 gauge steel with all joints welded and with double walls with 1 1/2" air space between. They are equipped with heavy construction adjustable tension spring hinges and three-point automatic door-locking device of the applicant's designs. Door closes and locks automatically at top, bottom and side. The cabinets are equipped with approved quick-fusing sprinkler heads protected by heavy gauge non-rusting wire mesh enclosure. Sprinkler connection line is 3/4". The cabinets are vented with a sound steel plate pipe, standard 8" diameter and covered with 1 in. thick asbestos.

TEST #1. Into the cabinet was placed 90 metal containers, each container holding 1,000 feet of nitro-cellulose film. The containers were spaced in five rows of 18 to a row, the maximum capacity of the cabinet. The cabinet was placed in a roofless 4-walled enclosure of masonry 10 ft. square and 8 ft. high. Excelsior and dry wood were heaped to 1/3 height of the cabinet and five gallons BW naptha poured over these materials which were then ignited, producing a vigorous fire. In five minutes and 12 seconds the heat applied to the cabinet caused the sprinkler inside to go off. After a short interval of observation whereby it was evident that the fire was becoming extinguished by the water from the sprinkler head, external water was applied by a hose so as to quench the fire and permit immediate examination of the contents of the cabinet. On opening the door it was found that all film was intact and unburned except that the tape on some containers was scorched. The temperature taken from a thermocouple in front of cabinet, one-third down from top showed 300 deg. F. when the sprinkler was actuated. The pressure on sprinkler line was 60 lbs. per sq. in.

TEST #2. The foregoing procedure was repeated except that 45 fiber containers each containing two rolls of

MINUTES

1,000 ft. of nitro-cellulose film each were used. The sprinkler was actuated in 6 min. 50 seconds. Examination indicated that all film was intact and unburned except that some of the boxes were discolored on the outside. The thermocouple reading was 226 deg. F.

TESTS #3 AND 4. Additional parallel tests were run differing from the foregoing only in the manner of ignition of the film. In the preceding tests an actual fire was simulated so as to permit observation of the effect on the film when stored in the described container, whereas in tests 3 and 4 the film was ignited within the cabinet by means of an electric spark which ignited a small piece of nitro-cellulose film in the middle box in the second row from the bottom of the cabinet.

In Test #3 the cabinet was filled with 88 metal containers and one cardboard box placed between the metal boxes in the 2nd row from the bottom next to the last box on the right end of row. The sprinkler was actuated in 1 min. 9 sec. The fire continued to burn violently, giving off large quantities of fumes for five minutes, at which time the fire was extinguished. All 18 cans of film in third row were completely burned and all film in cases on left of cardboard box in second row were burned. The cardboard box and film were burned out but the last metal can did not ignite as it was protected by the insulating effect afforded by the fibre container.

In Test #4 the cabinet was filled with 45 cardboard boxes, each containing two 1,000 ft. rolls of 35 mm. positive nitrate film and the boxes ignited by procedure similar to test #3. Fifteen seconds after ignition, decomposition fumes were noticed. The fumes ignited and the sprinkler operated in 1½ minutes. The fire continued to burn for about 2 min., 30 seconds, at which time it was extinguished by the sprinkler. The box containing the igniter and the box to the right of it were completely burned. All other film in cabinet was unburned, although the outside of some containers was scorched.

RECOMMENDATIONS

It is apparent from the foregoing data, that the fibre containers proposed by the applicant have fire-resistive properties superior to the metal container for storing nitro-cellulose film in an approved cabinet or storeroom equipped with a sprinkler system with ventilation to outer air, and with a ⅛" separator which is to provide an air space between each pair of film containers.

It is understood and agreed upon by the applicant that the proposed use of the fibre board container shall be limited to film stored in an approved cabinet or fire-proof room equipped with a sprinkler system and vent, and that no fibre board containers are to be used in the shipment of film by the motion picture exchanges affected to theatres in New York City and that only structurally sound boxes shall be used.

It is further recommended that each fibre container bear labels on top and bottom of box reading as follows: "Approved for use in New York City by the Board of Standards and Appeals under Cal. No. 508-43-A. This container shall not be used for shipping of film from Motion Picture Exchanges to theatres within New York City, nor shall said containers be used to store film in such theatres."

(Sgd.) BERNARD A. SAVAGE,
Commissioner.

CHARLES M. BLUM,
Commissioner.

JOHN E. GUNN,
Deputy Chief, Fire Department.

LESLIE V. HUBER,
Chief Engineer.

M. A. MOJARRIETA,
Inspector, Div. of Combustibles.
Committee on Tests.

Resolved, that the decision of the fire commissioner, dated October 14, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted* for the term of the present emergency and for six months thereafter, *on condition* that the boxes shall be constructed and used only in accordance with the recommendations of the Committee on Tests in relation to Calendar 216-43-SM, published herewith.

247-43-A

APPLICANT—United Metal Box, Co., Inc. (lessee), for S. I. D. Realty, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—168-186 Seventh street, south side, 100 ft. west of Third avenue and 125-143 Eighth street (3rd floor); (Block 996, Lots 21-28), Borough of Brooklyn.

APPEARANCES—

For Applicant: Nathan Denner.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (247-43-A)

WHEREAS, this appeal from an order of the fire commissioner affecting premises 168-186 Seventh street, south side, 100 ft. west of Third avenue and 125-143 Eighth street (3rd floor); (Block 996, Lots 21-28), Borough of Brooklyn, was granted by the Board on June 29, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on June 29, 1943, so that as amended the resolution shall read:

"Resolved, that the decision of the fire commissioner as to Order 94714-LC, Items 1 and 3, and Order 95799-LC, be and they hereby are *modified* and the appeal be and it hereby is *granted on condition* that the equipment shall be maintained substantially as set forth and to the satisfaction of the fire commissioner; that the amount of paint and dipping materials shall not exceed 2500 gallons of paint and 750 gallons of thinner material, all of which shall be stored in fireproof rooms on the first and third floors to the satisfaction of the fire commissioner; that the Binks circulating system as permitted by the Board under Cal. 969-39-A, may be continued and modified as proposed, by eliminating the spraying use and substituting the dipping tanks and either using the piping of the Binks system as a means of returning paint to the storage room at the end of each working day or such paint from the dipping tanks may be removed at the close of factory operations each day and stored within the paint storage room in metal drums; as to Item 2, that a drain to an outside tank may be omitted, so long as the paint material in the tanks is returned to the paint storage room as above provided for, and the automatic fire fighting equipment is maintained; that the sprinkler system shall be maintained to the satisfaction of the fire commissioner; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, as modified by the Board under Cal. 529-21-A and 969-39-A."

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MATERIALS AND APPLIANCES SUBMITTED FOR APPROVAL

39-43-SM
APPLICANT—Albi Chemical Corporation, owner.
SUBJECT—Firepel (for flameproofing fabrics), approval of.
APPEARANCES—
For Applicant: Edward P. Pierce.
ACTION OF BOARD—Application withdrawn.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

472-42-SA
APPLICANT—W. D. Allen Manufacturing Company, owner.
SUBJECT—Allen's Iron Body Siamese, 4, 5 and 6 inch for Fire Department Use, approval of.
APPEARANCES—
For Applicant: Andrew L. Boerner.
ACTION OF BOARD—Appliance approved in accordance with report of the Committee on Tests.
THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4
Negative 0
THE RESOLUTION (472-42-SA)

WHEREAS, the W. D. Allen Manufacturing Company, owner, filed on June 12, 1942, an application with the Board of Standards and Appeals for approval of the appliance known as Allen's Iron Body Siamese, 4, 5 and 6 inch; and
WHEREAS, this appliance was submitted to the Committee on Tests of the Board for test and report; and
WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

Cal. 472-42-SA September 23, 1943.
Subject: Allen's Iron Body Siamese 4, 5 and 6-inch, Approval of.

The W. D. Allen Manufacturing Company, owner, filed June 12, 1942, an application with the Board of Standards and Appeals for approval of the Allen's Iron Body 3-inch inlet straight two-way double clapper type siamese for use in standpipe, sprinkler and yard hydrant systems, under the provisions of C26-178.0, C26-1340.0 and C26-1383.0 of the Administrative Code, and the Standpipe and Sprinkler Rules of the Board of Standards and Appeals.

This request for approval is made only for the emergency occasioned by the war and because of the War Production Board's limitation of the use of brass.

The siamese has a malleable iron body, brass clapper and pins and brass Fire Department swivel connections and standard spanner wrench lugs. This siamese was tested by Robert W. Hunt Company Laboratory, Chicago, Illinois, on July 12, 1943, with results as follows:

File No. 40002
Report P-13108

Hydrostatic Pressure Tests of Siamese Connection

Designation: "1 — 4 x 3 x 3 Malleable Iron Siamese 3-in. NYFDT-250 lbs. working pressure opened and closed."

Pressure— lb./sq. in.	Position	Remarks
250	Open	No leaks or sweating
250	Closed	"
1000	Open	"
1000	Closed	"

Test was discontinued after 1000 lb. pressure which was up to the capacity of our equipment.

There was no evidence of defects.

The siamese has been inspected by the Committee on Tests and the representative of the Division of Fire Prevention of the Fire Department. The inside diameter of valve seat and area of waterways conforms to the requirements. Clappers are properly hung; the inlet swivel to siamese connection is provided with standard threads to fit Fire Department hose.

RECOMMENDATION

On the basis of this inspection and test it is recommended that the Allen's Iron Body Siamese 4, 5 and 6-inch be approved under C26-191.0 for use under C26-1340, C26-1383.0 and the Standpipe and Sprinkler Rules of the Board on standpipe yard hydrant and sprinkler installations in New York City for the duration of the War Emergency, provided the siamese be installed in accordance with the specification adopted by the Board of Standards and Appeals and that the calendar number under which the device is approved, the name "Allen" and the word "sprinkler" or "standpipe" in raised letters be cast into the body of the siamese, and that a tag or label be attached to each unit delivered to a job reading as follows: "Approved by the Board of Standards and Appeals for use in New York City under Cal. 472-42-SA and to be replaced immediately after the war emergency with a siamese of approved type."

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this appliance.

Resolved, that the Board of Standards and Appeals does hereby *approve* the appliance known as Allen's Iron Body Siamese, 4, 5 and 6 inch, *on condition* that the appliance be manufactured, installed, and labelled, stamped or tagged in accordance with the above report.

100-43-SA

APPLICANT—The Elliott Electric Company, owner.
SUBJECT—Elliott Electric Infra-Red Oven, approval of.
APPEARANCES—

For Applicant: H. G. Welfae.

ACTION OF BOARD—Appliance approved in accordance with report of the Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (100-43-SA)

WHEREAS, The Elliott Electric Company, owner, filed on March 8, 1943, an application with the Board of Standards and Appeals for approval of the appliance known as the Elliott Electric Infra-Red Oven; and

WHEREAS, on June 8, 1943, the Board temporarily approved one installation of two baking units and the applicant requested a general approval of the appliance; and

WHEREAS, this appliance was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Test reads:

MINUTES

REPORT OF COMMITTEE ON TESTS

October 22, 1943.

Re: Cal. 100-43-SA

Subject: Elliott Electric Infra-Red Oven, Approval of.

The Elliott Electric Company of Cleveland, Ohio, filed March 9, 1943, an application with the Board of Standards and Appeals for approval of the Elliott Electric Infra-Red Oven under the provisions of C26-191.0 Administrative Building Code.

The Elliott Infra-Red Oven is constructed of adjustable vertical and horizontal sections of infra-red lamp supporting frames which require only bolting together to assemble into oven sections for longer or shorter heating cycles. Convection and radiant heat are obtained by using integral reflecting material in construction which act as reflectors for the lamps. The sections are designed for floor or ceiling mounting with overhead or belt conveyors. Cool operation of the sockets of the lamps is obtained by insulation by means of air space between lamp face and socket.

The principle employed is that the infra-red rays pass through the lacquer or other surfacing material and heat the metal which is being lacquered thus drying the surfacing material from the inside outwardly.

The lamps used range from 250 to 1000 watts capacity and are arranged in series. The heat generated is governed by the distance of the lamps from the material, which may vary from 100° to 450°F.

An inspection and test of this method for drying and dehydrating materials by a similar process was made at 86 Warren Street, New York City, and it was found that if adequate ventilation was provided to draw off fumes from lacquers and paints, no dust or deposits are allowed to accumulate on the apparatus and that the apparatus when kept away at least 15 feet from paint spraying rooms or booths, there was no general hazard.

A further inspection was made of an installation of the applicant's equipment installed in the plant of the Art Steel Company in New York City, permission for this installation having been granted by the Board under resolution dated June 8, 1943, which was found in compliance with the Board's resolution, and the Committee had no further recommendations to make than as contained herein.

RECOMMENDATION

On the basis of these inspections and tests it is recommended that approval be granted for the use of the Elliott Electric Infra-Red Oven, as manufactured by the Elliott Electric Company of Cleveland, Ohio, under the authority vested in the Board by Section 666, subdivision 1, Charter, City of New York, for use in New York City, provided the installation conforms to the following requirements:

The electric equipment shall be approved type and installed in accordance with the National Electric Code and requirements of the Department of Water Supply, Gas and Electricity.

In drying processed material, involving the evaporation of considerable amounts of flammable solvents by infra-red lamps, such installations shall not be confined in small rooms unless such rooms are thoroughly ventilated by a power driven ventilation system of sufficient capacity to provide 100 cubic feet of air per minute; the controls of the ventilating system to be so interlocked with the Infra-Red System that the latter cannot function unless the ventilating system is in operation. When equipped with duct ventilating system, the Infra-Red Oven shall be adequately fastened so as to prevent moving.

Where the evaporation of a considerable amount of flammable solvents is involved ventilated hoods or enclosures shall be provided at the initial stage of the

process with adequate exhaust system to discharge the first evaporation from the solvents to the outer air so that when the processed material progresses through the lamp drying tunnels a comparative small amount of solvent is left for evaporation. A space between su- ventilating section and the drying section shall be maintained.

Lamps and other electrical equipment shall be kept free from flammable deposits and adequate cleaning shall be maintained.

Lamp drying units shall be separated from spraying and dipping processes complying with the Board's Rules, by a distance of at least 15 feet or shall be installed in a separate fireproof room.

Controls shall be arranged so that the lamps in the tunnels will be shut off automatically if and when the conveyor stops.

Where there are no conveyors and the material being processed is left stationary in the dryer, there shall be an excessive temperature switch to shut off the lamps to avoid overheating the material being processed if it is not removed from the dryer in time.

Material to be processed on the conveyors shall be rigidly supported so as not to be liable to displacement and cause lamp breakage and short circuits. Where there are no conveyors, goods should be fixed on dollies running on tracks or other equivalent method to accomplish the same result.

The use of this process shall be limited to metal and other incombustible material requiring paint processing.

That in view of the distance and the ventilation herein provided, the provisions of Rule 4.4 of the Board's Rules Governing the Use and Equipment for Spraying of Paints, Varnishes, Lacquers and other flammable surface coatings need not be complied with.

Such fire fighting equipment shall be provided as the Fire Commissioner may direct. It is further recommended that each drawing comprising this equipment shall be stamped, labelled or lettered, reading as follows:

"This equipment and installation thereof complies in every respect with the approval granted by the Board of Standards and Appeals for use in New York City under Cal. 100-43-SA."

(Sgd.) BERNARD A. SAVAGE,
Commissioner,
CHARLES M. BLUM,
Commissioner,
LESLIE V. HUBER,
Chief Engineer,
Committee on Tests

and

WHEREAS, this report recommended the approval of the appliance.

Resolved, that the Board of Standards and Appeals do hereby approve the appliance known as the Elliott Electric Infra-Red Oven, on condition that the appliance be manufactured, installed, and labelled, stamped or tagged in accordance with the above report.

288-43-SA

APPLICANT—Cardox Corporation, owner.

SUBJECT—Cardox Low Pressure Carbon Dioxide Storage Unit and Cardox Fire Extinguishing Systems, Type A (Automatic) and Type M (Manual), approval of

APPEARANCES—

For Applicant: H. Ensivinger.

ACTION OF BOARD—Appliance approved in accordance with report of the Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.
Negative

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THE RESOLUTION (288-43-SA)

WHEREAS, the Cardox Corporation, owner, filed on June 10, 1943, an application with the Board of Standards and Appeals for approval of the appliance known as the Cardox Low Pressure Carbon Dioxide Storage Unit and Cardox Fire Extinguishing Systems, Type A (Automatic) and Type M (Manual); and

WHEREAS, this appliance was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

September 27, 1943.

Cal. 288-43-SA

Subject: Cardox Low Pressure Carbon Dioxide Storage Unit and Cardox Fire Extinguishing Systems, Type A (Automatic) and Type M (Manual), approval of.

The Cardox Corporation of Chicago, Ill., filed June 10, 1943, an application with the Board of Standards and Appeals for approval of the Cardox Low Pressure Carbon Dioxide Storage Unit, low pressure storage (300 lbs./sq. in.) and the automatic and manual Cardox Fire Extinguishing System, under the provisions of C19-161.0, Administrative Code.

General Character and Use

The Cardox extinguishing systems varying in capacity from $\frac{1}{4}$ ton upward employ carbon dioxide as the extinguishing medium. The systems are characterized by the storage of the carbon dioxide as liquid at a controlled pre-determined temperature, usually below atmospheric, and at the vapor pressure corresponding to the storage temperature and is accomplished by employing an insulated storage container and a refrigerating unit of the required capacity.

When liquid carbon dioxide is released to atmospheric pressure, part of it is transformed into the gaseous state, and part of it into the solid state in the form of snow. The relative amounts of gas and solid depends upon the temperature of the liquid being released. Liquid at about 0 deg. F. theoretically forms approximately 45% snow; at 70 deg. F. 30%, and at 86 deg. F. 20%. The lower the temperature of the stored liquid carbon dioxide, the greater is its cooling effect when released, being approximately three times as great at 0 deg. F. as it is at 85 deg. F. Therefore, in addition to the oxygen diminishing effect of carbon dioxide as an inert gas, cold-stored liquid exhibits a cooling effect when released as a fire extinguishing agent. Regardless of the pressure applied, carbon dioxide cannot be liquefied at temperatures above 89 deg. F., and at temperatures below -69 deg. F. it can exist only as a mixture of solid and gas. Vapor pressures in closed containers of carbon dioxide range from 75 lb. per sq. in. at -69 deg. F. to 1067 lb. per sq. in. at 89 deg. F., being about 290 lb. per sq. in. at 0 deg. F. Therefore, a container for liquid carbon dioxide at ordinary atmospheric temperatures must be sufficiently strong to withstand pressure greatly in excess of 1000 lb. per sq. in. but if the liquid is refrigerated to a temperature of around 0 deg. F. and maintained at that temperature, the storage vessel need be constructed to withstand only pressures of approximately 300 lb. per sq. in. plus a reasonable safety factor.

Thus, a storage tank so designed and insulated that it could be refrigerated economically and automatically to a temperature of around 0 deg. F., it would be possible to store large quantities of carbon dioxide for fire extinguishing purposes in a comparatively small space in low-pressure vessels. Further, such a storage would permit the economical distribution of large quantities of carbon dioxide in liquid form through pipes in a short time.

Details of Construction of a Typical Unit

The Cardox units consist of an insulated liquid-carbon dioxide storage tank, a mechanical refrigerator controlled by pressure variation, a pressure gage with alarm contacts attached, a liquid level gauge, several different types of pressure relieving devices; and suitable valves, nozzles and piping system. One of the pressure relief devices is so designed that by bleeding off gas in the event of refrigerator failure, the liquid is maintained at a low temperature by removal of heat through vaporization.

Construction Details

Pressure Vessel (Tank Proper)—The pressure vessels used as Cardox storage tanks are manufactured by Hamler Boiler and Tank Company of Chicago, Illinois, according to the A.S.M.E. Code as set forth in Paragraph U69 for unfired pressure vessels. The diameter and wall thickness as well as length of the tank will be varied as is necessary to obtain the capacity and general dimensions as desired. The tanks conform to A.S.M.E. design for 325 lb. working pressure and are tested hydrostatically at 650 lb. per sq. in.

The $1\frac{1}{2}$ -in. liquid filling line entering the bottom of the tank has a liquid trap. This trap prevents liquid from filling the pipe except when the tank is being filled.

Refrigerator Coil—Copper coils are used for refrigerating purposes. The four-ton capacity tank employs a $\frac{3}{4}$ -hp refrigerator.

In some cases where the heat input to the tank may be greater because of a warm place of installation, a 1-hp refrigerator and a larger coil may be used. Coils used in the 10, 8, 6, 5 and 2-ton tanks respectively vary in size. The 10, 8, and 6-ton tanks are equipped with 2-hp refrigerators while the 5-ton tank is equipped with a $1\frac{1}{2}$ hp refrigerator. The 2-ton tank is equipped with a $\frac{3}{4}$ hp refrigerator. Other units are equipped as required.

The general plan used in determining the size coil is to calculate the area of coil needed to meet the British thermal unit capacity of the refrigerator. The value 40 Btu per sq. ft. per hour per Fahrenheit degree temperature differential is used as the transfer capacity of the copper. The diameter of tube is chosen to keep the pressure drop through the entire length of coil to less than 8 lb. per sq. in. The applicant found that on the four-ton tank with the $\frac{3}{4}$ -hp installation the refrigerator runs about two-thirds of the time at an outside temperature of 100 F. and tank carbon dioxide pressure of about 300 lb. gauge. At 80 F. the refrigerator operates about 30 per cent of the time at the normal operating range.

Tank Supporting Base—The storage tanks of one to four-ton capacity are mounted on 8.3-lb. channel iron bases. Heavier weight channels (10.5 lb.) are used on five-ton and larger tanks. The tank is mounted to the base and is supported by means of "wooden saddles."

Insulation of Tank—The insulation is applied to the tank before application of the tank housing. Present practice involves employment of two 4-in. layers of Dry Zero Corporation "Bound Batting." It is anticipated that other insulating material such as cork and rock wool blanket can also be applied to prevent heat being transferred to the cold pressure vessel.

Tank Housing—The air-tight housing encasing the storage tank and insulation also houses the refrigerating unit and the instrument assembly.

General Instrument Panel and Safety Head—The piping of the safety head assembly, refrigerator, and observation gauges and controls are well located and readily accessible.

The safety assembly consists of two special design Crosby JA-810 pop-valves and one special Bastian-

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Blessing No. 2983 diaphragm valve, one dual control valve made by the Henry Valve Company, and one safety disc assembly manufactured by Black, Sivalls and Bryson.

600-Lb. Frangible Disc—The disc used in the Black, Sivalls and Bryson union is chrome-plated copper and shears at approximately 600 lb. gauge pressure. This is 50 lb. below the test pressure for the vessel, and it is provided as an added safety feature.

Dual Control Valve—The Henry dual control valve is designed so that it is possible to take the pressure off one set of relief valves at a time. It is possible to have both sets of relief valves connected to the tank but impossible to shut off both sets at the same time. Regardless of the Henry dual valve position of operation, at least one of the relief valves is open to the tank.

Crosby Pop-Valves—There are two Crosby pop-valves on each tank, one on either branch of the Henry dual control valve. They are set to pop at 357 lb. gauge pressure, which as specified by the A.S.M.E. Code for Unfired Pressure Vessels is not more than 10 per cent above the maximum allowable working pressure of the tank.

The Crosby pop-valves are metal-to-metal seat with direct spring-loaded construction to conform to A.S.M.E. code. These valves are mounted in an inverted position so that the seats can be flooded with oil to effect a perfect seal. A special grease fitting is provided for pumping oil onto the seats without necessitating the removal of the valves.

These Crosby valves are built special for Cardox Corporation with the female entrance and gasket seal to prevent distortion of the valve seat in attaching to the tank.

Diaphragm Auxiliary Refrigeration Valve—There is but one Bastian-Blessing No. 2983 relief valve used on each tank. It is attached along with one of the Crosby valves on one branch of the dual control valve. It is placed on the branch of the dual control valve that causes no pressure to be applied to the packing gland of the control valve. The normal operating setting of the dual control valve is such that there is pressure on the Bastian-Blessing valve and one Crosby, but no pressure on the packing gland of the control valve and the other Crosby valve. The dual control valve is used on the system to enable the removal of any of the valves for test or repair without emptying the tank or without creating the possibility of the tank being with no relief valve operable.

The Bastian-Blessing valve is a diaphragm type valve with a neoprene seat. The valve tee was developed for Cardox Corporation use. The system requires a valve with very small "blow-down" value; that is, the valve must relieve freely but slowly at 335 to 345 lb. gauge pressure and be bubble-tight by 310 lb. gauge. Once the valve is bubble-tight at 310 lb. it remains bubble-tight until about 335 lb. gauge pressure is reached.

Refrigerator—Each tank is equipped with an Underwriters' Laboratories, Inc. listed mechanical refrigerator. At the present time the Universal Cooler Company of Detroit product is employed, but it is intended to use any approved refrigerator, $\frac{3}{4}$ or 1-hp, depending upon conditions of tank installation. Two-horsepower units are used on ten Four-ton and eight-ton capacity carbon dioxide tanks. Four-ton tanks have a $\frac{3}{4}$ -hp unit. The plan is to provide a refrigerator of such capacity that during hot summer weather conditions the refrigerator will have to run only about 60 per cent of the time.

Liquid Level Gauge—Each tank is equipped with a Meriam Company liquid level gauge. This is a manometer type device which uses mercury in a heavy-walled glass tube to register the differential pressure between the top of the tank and the bottom of the tank. The pressure on the bottom of the tank is equal to the vapor pressure of the liquid on the surface plus the hydrostatic

weight of the liquid. The special mercury pot on either end of the gauge proper is equipped with baffles to prevent the escape of mercury should mishandling of the control valves cause upset pressure conditions.

Pressure Gauge—Each tank is furnished with a 6-in. Crosby pressure gauge, Type AAO, heavy duty, zero to 600 lb. pressure range, high and low pressure electrical alarm contacts. These contacts are used to ring a bell to warn that the pressure is above or below the normal pressure operating range of the tank. In general, the normal operating range is 295 to 305 lb.

Alarm Bell—Tank—This bell is manufactured by Holtzer-Cabot Electric Company, Cat. No. 151604 and is listed by Underwriters' Laboratories, Inc. This is a 4-in. size bell and much smaller than the large size that may be used in the pre-alarm capacity at the hazards.

Mercoide Pressure Control—Each tank is equipped with a mercury switch which is operated by variation in tank pressure. The pressure control is adjusted to close the switch at about 305 lb. gauge and to open at about 295 lb. gauge. On some installations a range 310 to 290 lb. gauge pressure is employed.

The mercury switch and its pressure-actuated mounting is manufactured by the Mercoide Corporation, Chicago, Illinois, and is known as Type DA64-3. This device is Underwriters' Laboratories, Inc., listed for uses such as required by the systems. It uses Type 9-51 mercury switch and the device is approved for use on 110, 220, and 440 V, ac. and dc. Ampere capacity is 10, 5, and 3 respectively. It is satisfactory for use in direct handling of 1-hp. motors using 110 and 220 V, ac., and $\frac{1}{2}$ -hp. motors using 110 or 220 V, dc.

This Mercoide control is used in series with the electric motor on the small refrigerator sizes if the current characteristics are single phase. With larger motors and three-phase motors the Mercoide is used only to actuate a magnetic switch.

Magnetic Switch for Refrigerator—The magnetic switch being used to operate the refrigerator motor is made by Westinghouse Electric and Manufacturing Company and is known as Type D.N.S11-200 De-ion line starter.

The maximum current drawn through the Mercoide switch is less than the rating of the mercury switch. The very maximum amperage used through the Mercoide pressure control by this device would be 4.6A. This would be only momentary while the switch was closing. The holding amperage is 0.27. The above is on 110 V, ac. The magnetic switch is listed by Underwriters' Laboratories, Inc.

$\frac{1}{4}$ -In. Vogt Shut-Off Valve—Each tank has two of these valves, one in each of the two $\frac{1}{4}$ -in. lines leading from the tank to the instrument panel. These valves are normally open but afford means of dismantling the instrument panel for repairs, etc., without making it necessary to empty the tank. This valve is a 1500-lb. forged steel valve.

Vapor Equalizing Line and Shut-off Valve—Each tank is equipped with a 1-in. pipe line. This pipe dips down into the tank a short distance. This is one-seventh of the tank inside diameter and corresponds to the overhead vapor space provided in each tank, which is $8\frac{3}{4}$ per cent of the volume. This inch pipe line is known as the vapor equalizing line because it is used to equalize the pressure in the storage tank and transport truck-tank during liquid transfer. The dip-tube will start to pick up liquid carbon dioxide when the tank is full to that level. This liquid immediately causes the line to get cold and frost, giving definite information that the tank is full. After closing the valve and disconnecting the hose between the storage and transport, it is possible to definitely establish that the tank is not filled above the bottom of this dip-tube by opening the shut-off valve a little. If dry ice is blown out, the tank has liquid over the top of the dip tube. If this is the

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case it is blown down until only carbon dioxide vapor is delivered.

This one-inch pipe line has a shut-off valve. It is an extra-heavy brass valve manufactured by the William Powell Company especially for Cardox use. The body of this valve is extra heavy globe construction. The disc seat is a special babbitt preparation which flows slightly when being closed firmly, giving a tight seal. This disc is mounted in a swivel disc holder which makes the valve easy operating.

A special long packing gland has been provided in this valve, since in other uses there is a more or less constant pressure on the packing gland. In this particular application the only time there is pressure on the packing gland is during the tank filling operations.

Vapor Equalizing Line Relief Valve—A Crosby JA-7 standard pop-valve is placed on the vapor equalizing line between the shut-off valve on the tank and the connection where the hose is attached to the truck. This valve is set to 335 lb. and is also manually operable. A second function of the valve is to afford a means of bleeding pressure from the line between the storage tank shut-off valve and the truck shut-off valve before disconnecting after having transferred liquid.

Tank Filling Line and Valve—The liquid trap built into the liquid filling line at the base of the tank. The function of this trap is to prevent liquid carbon dioxide from leaving the tank and standing in the liquid filling pipe, thus creating a source of heat input. It is furthermore necessary in connection with the application of the liquid level gauge to this type cold liquid pressure vessel.

The valve which is used to shut off this 1½-in. pipe is exactly the same as used on the vapor equalizing line except that it is 1½-in. in size.

Liquid Carbon Dioxide Strainer—A 100-mesh cylindrical screen mounted in a heavy machined-steel block is used in straining all the liquid entering the storage tank. This strainer is of extra heavy construction. It is manufactured by Strong Carlisle and Hammond Company of Cleveland, Ohio. The 1½-in. screwed entrance and outlet type is used.

The 100-mesh cylindrical screen is supported on the inside by a strong perforated sheet steel cylinder and on the outside by a heavy-wired coarse screen. The blow-off opening of the strainer is equipped with a Powell Globe valve, the same as that used on the liquid filling line and vapor equalizing line except for size.

Liquid Discharge Pipe Line—Each tank has a separate pipe line entering the tank in the form of a dip-tube. This tube extends very nearly to the bottom of the tank. Space is left to afford free flow of the liquid into the pipe during liquid carbon dioxide discharge. The size of this pipe varies with the required rate of liquid carbon dioxide release into or onto the particular hazard for which the tank is being supplied as a portion of the fire protection system.

Liquid Discharge Line Shut-Off Valve—Each tank is equipped with a shut-off valve very near the tank in the liquid discharge pipe line. This valve is called the master tank shut-off valve. This valve is invariably a gate valve so that there is no obstruction to liquid carbon dioxide flow due to the valve. It is known as a Crane gate valve, extra-heavy cast-steel body with stellite-to-stellite wedge type seat. It is identified as No. 33 U, 300-lb. outside screw and yoke wedge gate valve.

It is provided with a means for locking in the open position by means of a padlock so that the valve cannot be shut off when it should be normally open.

As alternate construction a gate valve manufactured by the Okadee Valve Company may be employed. The packing gland of this valve is of the direct sealing type and requires no packing gland nut adjustment to prevent leakage. This valve stands in the normally open posi-

tion when used as Master Tank Shut-off Valve in a fire protection system; consequently, there is a constant pressure on the packing gland. The Okadee valve has three definite type operating means, a lever, a lever with rack and pinion, and a gear segment with worm attachment.

Wiring—The electrical wiring is enclosed by labeled rigid or flexible conduit and listed conduit fittings. The number of wires in each conduit is not in excess of the requirements of the National Electrical Code.

Additional Equipment When Used as Automatic and Manual Systems

The automatic systems of the following type:

TYPE A AUTOMATIC SYSTEMS

Single discharge—single hazard protection.

Single discharge—multiple hazard protection—individual hazard control valves.

Single discharge—multiple hazard protection—one master control valve.

Reserve CO₂ supply—timed discharge—single hazard protection—pre-discharge alarm.

Reserve CO₂ supply—timed discharge—multiple hazard protection—one master control valve.

Reserve CO₂ supply—timed discharge—individual valves—overlapping protection.

Reserve CO₂ supply—timed discharge—one master control valve—overlapping protection.

These systems are made up of the following equipment:

Storage tank and its appurtenances as herein described.

Master control valve.

Pipe lines or headers.

Sectional control valves (in systems covering multiple hazards).

Thermostats.

Relays.

Timing device (required in systems utilizing pre-alarms and/or time discharges).

Alarms.

Manual push-button stations.

The operation of the Type A systems contemplates the closure of an electrical circuit through thermostats which cause relay equipment to function and operate alarms and valves controlling the quantity of gas to be ejected.

All Type A systems are capable of being operated by emergency manual means independently of the automatic elements.

Operation of the system is accomplished by the operation of one or more thermostats installed within the protected areas. The operation of a thermostat causes an attendant relay to function and energize a motor controlling the operation of a timer in cases where pre-alarm and time discharges are employed. The switches of the timing device are operated at pre-determined intervals to give alarms and cause the opening of valves controlling the discharge of gas. After the extinguishing cycle, the timer and attendant relays re-establish the thermostat circuits which are temporarily broken during each gas-discharging cycle and signal lamps are lighted to indicate that a discharge of gas has taken place.

The system may be actuated by manual means from brake-glass push-button stations or by the operation of small control valves on an instrument panel mounted on or located near the gas storage tank. Some of the solenoid valves may also be provided with mechanical means of operation.

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Valves up to and including 2 in. in size are used either as master or sectional control valves. Valves of larger size than 2 in. are to be used where larger quantities of gas are needed than can be handled by the smaller valves.

In operation, energizing the solenoid opens a small port valve, admitting pressure from the gas supply line to the top of the piston, which causes it to move and force the clapper from its seat.

Closure of the valve is accomplished by release of the solenoid armature, which closes the cylinder port valve, stopping the passage of gas from the gas supply line to the top of the piston-cylinder assembly. The reduction of the pressure on one side of the piston causes it to return and permit the valve clapper to close the valve port.

Manual means are available for operation of the valves.

The sizes of the valve ports and the piping they serve are as follows:

Valve Size	Net Orifice Area, Sq. In.	Area of Pipe of Corresponding Size Sq. In.
3/4	0.439	0.433
1	0.776	0.719
1 1/4	1.334	1.283
1 1/2	1.767	1.767
2	3.145	2.953
2 1/2	4.652	4.238
3	6.754	6.605

The mechanism consists of a clock motor and a reduction gear assembly, operating a shaft on which are mounted a number of phenolic cam discs controlling the position of mercury tube switches.

The device is partially manufactured by the Electric Switch Corporation, and the Cardox Corporation completes the assembly and makes the adjustments necessary for the cycles needed for each installation. The electrical elements are available for 110 and/or 220-V, a-c or d-c, current supplies.

Nozzles—The nozzles are brass castings in the form of a disc having a wall or skirt on the periphery. A diffuser is centered at the midpoint of the dished sides which serves to break up four jets of gas which issue from outlets symmetrically placed in the skirt. The outlets are connected to the inlet on the back of the disc by separate passageways. The inlet is threaded to receive the system piping.

The nozzles are produced with various sized orifices to afford variation in their discharge capacity. The discharge data are given in the following table:

Nozzle Model Number	Lb. CO ₂ Disch. Per Min. Approx.	Lb. CO ₂ Dis. Per Sec. Approx.	Diam. of Port in Inches	Area of 1 Port, Sq. In.	Area of 4 Ports, Sq. In.	Diam. of Pipe Re'q. in In.	Area of Pipe in In.
CN-121	191	3.18	5/16	0.0767	0.3068	1	0.719
CN-121-A	230	3.83	11/32	0.0928	0.3712	1	0.719
CN-121-B	276	4.60	3/8	0.1105	0.4420	1	0.719
CN-121-C	324	5.60	13/32	0.1296	0.5184	1	0.719
CN-121-D	375	6.25	7/16	0.1503	0.6012	1	0.719
CN-121-E	432	7.20	15/32	0.1726	0.6904	1	0.719
CN-122	490	8.16	1/2	0.1964	0.7856	1 1/4	1.283
CN-122-A	556	9.26	17/32	0.2217	0.8868	1 1/4	1.283
CN-122-B	619	10.31	9/16	0.2485	0.9940	1 1/4	1.283
CN-122-C	690	11.50	19/32	0.2769	1.1076	1 1/4	1.283
CN-122-D	765	12.75	5/8	0.3068	1.2272	1 1/4	1.283
CN-123	843	14.05	21/32	0.3382	1.3528	1 1/2	1.767
CN-123-A	925	15.41	11/16	0.3712	1.4848	1 1/2	1.767
CN-123-B	1011	16.85	23/32	0.4057	1.6228	1 1/2	1.767

Hazard Relay—The relays are manufactured by the Allen Bradley Company and are listed devices. The Bulletin 700 AC multi-contact model is rated at 3 A per contact at 440 V, while the Bulletin 200 DC multi-contact model is rated at 2 A, 230 V per contact. They are also listed for 110 V.

Hazard Alarm—The hazard alarms are listed devices manufactured by the Benjamin Electric Company of Chicago, Cat. No. 8566 or 8560 and No. 8572 or 8574. These are howler horn units. In some cases bells may be used which are manufactured by Holtzer-Cable Electric Company of Boston, listed as Cat. No. 15160.

Manual Push-Button Station—This device is equipped with a red signal light at the top. The glass is broken out by pulling a lever located at the front of the box. The switch used in the box is manufactured by Chicago Telephone Supply of Elkhart, Indiana, and is listed by the Laboratories for 1 A, 250 V, a-c or d-c, or for 110 V. The light is so wired that when it is burning it indicates that there is power on the system.

Wiring—The electrical wiring is enclosed by labeled rigid or flexible conduit and listed conduit fittings. The number of wires to be installed in each conduit is to be in accordance with the requirements of the National Electrical Code.

Tests were conducted covering the strength of construction and operation of the systems.

CONCLUSIONS

As a result of these tests it was disclosed that the design, construction and assembly of the units comprising the Type A systems are such that these units should prove reliable in performing their automatic functions and that there are no features relating to the design and construction of the devices that cannot be taken care of readily in any well-equipped factory and that these systems afford practical means of automatically liberating carbon dioxide gas as a fire-extinguishing medium for enclosed spaces.

TYPE M—MANUAL SYSTEMS

For operation as a manual system the additional equipment required would be flexible piping and nozzle. Pipe and nozzle sizes are so chosen that the pressure back of each nozzle is greater than 100 lbs. per sq. in. Screwed connections are used on pipe sizes of 4-inch and under, if the piping is under pressure during discharge only. Either flanged or welded connections are used on pipe sizes over 4-inch. Where piping is cor

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tinuously subjected to tank pressure, extra heavy pipe is used in all sizes above $\frac{3}{4}$ -inch.

The nozzle consists of a naval-bronze dish approximately 8 in. in diameter and two inches deep with a screwed pipe connection inlet through the center of the back. Four cored channels arranged 90 deg. apart radiate from the inlet and lead halfway up the side of the nozzle to orifices which impinge at the axis of the nozzle. A diffuser, against which the jets of CO₂ impinge, is located on the axis and is fastened to the inside bottom of the nozzle. The diffuser may be removed to give increased velocity and range to the discharge.

Tests on the manual systems were performed by both the Underwriters' and Factory Mutual Laboratories, to which tests reference has been made herein. As a result of these tests the following recommendations among others have been made to the applicant:

Safety valves set for approximately 400 lb./sq. in. should be placed in the pipe line between valves to relieve pressures built up in the lines by vaporization of liquid carbon dioxide after a discharge, unless the valves are of a type which relieve line pressures in excess of the storage tank pressure.

Refrigeration motors should be sufficiently large to operate at less than 100% of full load. Each refrigerator motor should be provided with a thermal overload cut out.

The high pressure alarm bell should be tied in on the main power circuit ahead of the refrigerator switch. Such an arrangement would permit a trouble alarm if the refrigerator switch is accidentally or purposely pulled.

ADDITIONAL TESTS

Inspection and tests were made of the construction and operation of this apparatus at the Hamler Boiler and Tank Co. in Chicago and the Cardox Plant at Monel, Ill.

Fire tests were made at the Monel Plant. These tests consisted of filling an open reservoir 10 ft. by 20 ft. and 3 inches deep at one end with 110 gals. of 350° flash oil and 5 gals. of gasoline, which was ignited and after burning 45 seconds the flames were extinguished by the CO₂ in 10 seconds. The CO₂ was delivered by bulk discharge from a 5-ton truck under 390 lbs. pressure. A further test was made using same reservoir with 150 gals. oil and 5 gals. gas, which was ignited and allowed to burn 1 minute and 40 seconds. The CO₂ was then applied and the fire extinguished in 22 seconds.

A test was also made with a $\frac{3}{8}$ -ton portable unit with a reservoir 6 ft. by 15 ft. in which 50 gals. of gasoline was placed. 25 seconds after ignition the hose was unreeled and the flame was extinguished in 13 seconds. Original pressure on tank 318 p.s.i. liquid level showed full, after flame extinguished, pressure dropped to 310 p.s.i. and liquid level showed $\frac{7}{8}$ full.

Leakage tests were made in the shops of valves, etc. Large size valves smeared soapy water; small size, whole body submerged in kerosene.

RECOMMENDATION

On the basis of the inspection and tests and the report of the Underwriters' Laboratories, Extinguisher No. 1368, dated August 16, 1940, and February 19, 1941 and the reports of the Factory Mutuals Laboratories No. 10532, No. 10790, dated January 12, 1942, and the carbon dioxide used not being stored for sale, the committee recommends the approval of the Cardox Low Pressure Carbon Dioxide Storage Unit and the Cardox Fire Extinguishing Systems manually and automatically operated for use in New York City, provided the systems are installed in accordance with the requirements of this report and of the report of the Underwriters' and Factory Mutuals Laboratories and provided that

the relief valves of the system installed and designed to operate in confined spaces shall be arranged to exhaust to the outer air and provided that the main supply tank shall bear a label permanently affixed, reading, "This system approved by the Board of Standards and Appeals for use in New York City under Cal. 288-43-SA."

(Sgd.) BERNARD A. SAVAGE,
Commissioner.

CHARLES M. BLUM,
Commissioner.

LESLIE V. HUBER,
Chief Engineer.
Committee on Tests.

and

WHEREAS, this report recommended the approval of this appliance.

Resolved, that the Board of Standards and Appeals does hereby approve the appliance known as Cardox Low Pressure Carbon Dioxide Storage Unit and Cardox Fire Extinguishing Systems, Type A (Automatic) and Type M (Manual), on condition that the appliance be manufactured, installed, and labelled, stamped or tagged in accordance with the above report.

830-39-SM

APPLICANT—National Kalamein Co., Inc., for Metal Door Credit Association, owner.

SUBJECT—Application for consideration—reopening and extension of time re temporary approval—NYK-A and NYK-B Fire Door (One-Hour Door); (previously approved for a temporary period).

APPEARANCES—

For Applicant: Benjamin K. Weingrad.

ACTION OF BOARD—Application reopened and time extended, re temporary approval.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (830-39-SM)

WHEREAS, this material known as the NYK-A Fire Door and NYK-B Fire Door (One-Hour Door), was approved by the Board on January 21, 1941, for a temporary period of six months and the temporary approval was extended on July 23, 1941 for a period of four months; and

WHEREAS, the resolution was amended on September 23, 1941; and

WHEREAS, the applicant requested a further extension of the temporary approval; and

WHEREAS, an application has been filed under Cal. 518-43-SM for test and approval of one and one-half-hour (1½) kalamein door which it is proposed to manufacture in substitution of the NYK-A and NYK-B doors; and

WHEREAS, in view of the filing of such new application, a request has been made for a further term of the temporary approval under Calendar 830-39-SM.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on January 21, 1941, as amended on July 23, 1941, only so far as it has reference to the temporary approval, so that as amended this portion of the resolution shall read:

" . . . that such temporary approval may be considered as having been extended from November 23, 1941 to three (3) months after the date of this amended resolution, in view of the filing of a new application, Cal. 518-43-SM; that such extension shall be deemed to apply to all manufacturers who joined in this application filed under this Cal. 830-39-SM."

Adjourned: 5:00 P. M.

JOSEPH J. DOYLE, Chief Clerk.

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*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held on October 5, 1943, as they appeared in Bulletin No. 41, Vol. 28, are hereby corrected to read as follows:

THE RESOLUTION (495-32-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting partly in a business use and partly in a residence use district, the erection and maintenance of a gasoline service station, affecting premises 122-13 to 122-21 Rockaway boulevard, northwest corner of 123rd street (Block 2512, part of Lot 7), South Ozone Park, Borough of Queens, was granted by the Board on January 23, 1934, on certain conditions, resolution amended on May 8, 1934 and June 15, 1943 and the applicant requested a further amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of January 23, 1934, as amended May 8, 1934 and June 15, 1943, so that as amended, the resolution shall read:

"Granted on condition that the premises to be occupied shall be leveled substantially to the grade of Rockaway boulevard and East 123rd street; that the accessory buildings shall be located toward the northerly portion of the plot as indicated on plans filed with this application; that the accessory building shall be constructed of brick and incombustible material, except that the roof beams and roof boarding, door frames and doors, window frames and sash may be of wood, provided the roof surfacing is of incombustible material and all ceilings are fire-retarded in accordance with the rules of the Board; that these buildings shall not exceed one story in height and shall have no cellar or excavation except for greasing pits; that there shall be erected on the lot line where not covered by walls of the accessory buildings on East 123rd street to the intersection of Rockaway boulevard, a brick wall faced on both sides with face brick to match that used on the accessory building; that this wall shall be not less than 4 ft. in height, except that it may be not less than 2 ft. in height for a distance of 25 ft. from the corner formed by the intersection of Rockaway boulevard and East 123rd street; that this wall shall be coped with a sloped coping; that on the westerly lot line, a similar wall shall be constructed from the accessory building to Rockaway boulevard and not less than 4 ft. in height; that the balance of the plot between the accessory building and Rockaway boulevard shall be cement paved; that entrances to the premises shall be limited to two from Rockaway boulevard with curb cuts not exceeding 30 ft. in width and no part of any curb cut nearer than 8 ft. from 123rd street building line or the westerly interior lot line as extended; that gasoline pumps shall be not nearer than 10 ft. to the street line; that there shall be no motor vehicle repairing permitted on the premises; that no open flames shall be permitted; that there shall be no parking or storage of cars other than those being serviced; that all signs shall be restricted to the illuminated globes of the gasoline pumps and to permanent flat signs attached to the face of the accessory buildings, except that no signs shall be attached to the exterior walls of the accessory buildings to the east, west or north *and except that there may be a sign advertising only the brand of gasoline on sale, erected on a post standard within the building line, provided the sign which may be illuminated, does not extend beyond the building line more than four feet*; that there shall be no portable gasoline pumps used on or from the premises; that the balance of the lot to the north shall be graded and seeded to grass and kept mowed and in a presentable condition, free from rubbish, at all times until such time as this portion of the plot is improved with a building for a conforming use; that any windows

opening upon such portion of the plot in the rear northerly wall, shall be fireproofed self-closing; that illumination shall be by electric lamps placed on pipe standards not over 9 ft. in height or on the front of the accessory building, equipped with metal reflectors so placed as to reflect downwardly to avoid nuisance at night; that the architectural design of the accessory building shall be substantially in accord with the plans filed with this application; that the front of the greasing section shall remain open or if doors are provided, mechanical ventilation shall be furnished at all times by means of electrically operated, vaporproof fans exhausting by duct through the roof; that all permits not already obtained shall be obtained within six (6) months from the date of this *amended* resolution and all work required under the terms of this *amended* resolution shall be completed within one (1) year from the date of this *amended* resolution."

*Correction—The words inserted in italics starting with line 57 of the resolution.

157-38-SM

APPLICANT—The Dextone Company, owner.

SUBJECT—Application reopened and restored to calendar March 18, 1941—Lith-I-Bar Precast Light-Weight Joists, approval of (previously dismissed for lack of prosecution).

APPEARANCES—

For Applicant: Louis A. Falco.

ACTION OF BOARD—Material approved in accordance with report of Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn...

Negative

THE RESOLUTION (157-38-SM)

WHEREAS, The Dextone Company, owner, filed on March 10, 1938, an application with the Board of Standards and Appeals for the approval of the material known as the Lith-I-Bar Joist; and

WHEREAS, this application was dismissed for lack of prosecution on November 19, 1940; and

WHEREAS, the applicant requested a reopening of the case and restoration to the calendar; and

WHEREAS, this case was reopened by vote of the Board on March 18, 1941 and referred to the Committee on Tests of the Board, for test and report; and

WHEREAS, the report of the Committee on Tests reads

REPORT OF COMMITTEE ON TESTS

October 6, 1943.

Re: Cal. 157-38-SM

Subject: Lith-I-Bar Precast Light-Weight Joists, approval of.

The Dextone Company of New Haven, Conn., filed an application with the Board of Standards and Appeals under the requirements of C26-178.0.b for use under C26-468.0, Administrative Building Code.

DESCRIPTION

Lith-I-Bar Joists (Fig. 1) are manufactured in depths of 6 in., 8 in., 10 in., 12 in., and 14 in. and in such spacings and lengths as the job conditions may require. The joists are made of light-weight aggregate with such metal reinforcement as may be required to suit design conditions. The type of construction of joists described herein for which approval is requested consists of their standard product which provided $\frac{3}{4}$ in. protection to the metal reinforcement and a similar type of joist with

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increased fire-resistive protection as required under C26-519.0 wherein beams and girders are required to have 1½ in. of concrete protection over all reinforcements.

The applicant has been granted an exclusive franchise to manufacture Lith-I-Bar type joists for the metropolitan New York area from the Lith-I-Bar Company, Kalamazoo, Michigan.

MANUFACTURE

Lith-I-Bar joists are made of a mixture of 212 lbs. of fine washed concrete sand to which is added 164 lbs. of size FF Haydite to one bag approved High Early Strength cement, proportioned 1:4. Water is added at the rate of 4½ gallons to the bag. After the correct sizes and types of reinforcement have been determined in the design department, manufacturing schedule and shop drawings are made up showing length and sizes of steel, spacing of stirrups and such other pertinent information as may be required to meet field conditions.

The manufacture of the joists starts in the welding department where the steel to be used in reinforcement

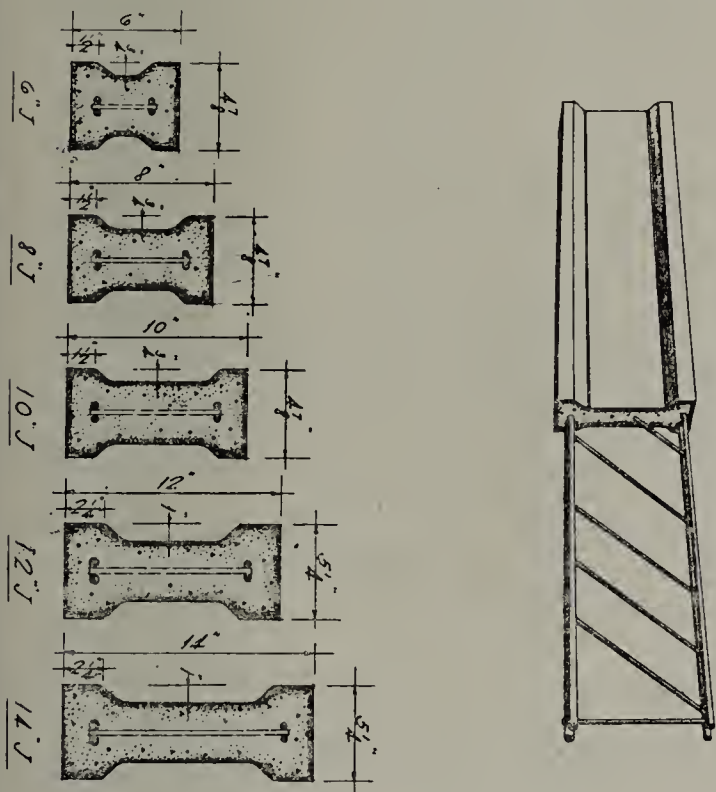


Figure 1.

is cut to the required specifications. After being thus fabricated the steel is placed in a jig and the skeleton assembled by arc welding, after which it is ready to be placed into a roller type machine, specially designed for the purpose of manufacturing Lith-I-Bar joists. A pallet is placed in a car which travels under this machine, receiving at one end from the hopper the concrete mix which is placed therein. As the car passes under this hopper the concrete mix received is controlled by a plow arrangement filling the pallet to approximately ¾ of the thickness of the section as designed.

The steel skeleton frame is then laid into this form and hammered into position and checked by means of a jig. Once the reinforcement is in place the car returns under the hopper for its final batch of concrete mixture. It then passes under six rollers which exert a pressure of 2,000 p.s.i. upon the concrete, thus making a very dense mix. The joists are then taken from the machine and placed on racks where they are cured overnight by a steaming process. Samples of the mixture of concrete were cut from the regular run of joists and tested at Yale University with evalua-

tions ranging from 4,000 lbs. upward. After the curing process, the joists are stored for a period of one week prior to their shipment for use.

TEST DATA

Sample panels including the subject joists were subjected to load tests under supervision of Prof. Theodore Crane of Yale University at the Dextone Plant, who also checked the preliminary designs of the joists. The manufacture of the joists were inspected at the Board's request by Mr. Henry C. Falsey, Building Inspector, New Haven, Conn. The computations for loading were performed by Mr. A. M. Thomas, Professional Engineer.

DESCRIPTION OF PANELS

Each assembly comprised three floor joists, laid parallel to each other at a center to center spacing of 2 ft. 6 in., supported at each end by a bearing of 8 in. on concrete block walls. The soffits of the joists were approximately 3 ft. above grade and carefully bedded at the same level on solid bearing blocks.

"Cantilite" precast concrete plank, manufactured by the Concrete Plank Company, Jersey City, N. J., were placed across the joists and extended 1 ft. 3 in. beyond the center lines of the exterior joists to form a complete decking 7 ft. 6 in. wide for the entire length of the clear spans of each panel. It should be particularly noted that the Cantilite plank were not set in mortar but merely laid over the joists and not closely fitted together. They served merely as a support to receive and distribute the superimposed load. The plank were intentionally so placed to prevent their adding to the strength of the assembly which they would undoubtedly do if laid in the conventional manner.

The supporting walls were designed to simulate typical job conditions, and for that reason, no end anchorage was supplied, although such could be obtained on many types of work and would, under some conditions, add to the strength of the assembly. In this connection it should be noted that the supporting walls were only approximately twenty-four hours old at the time that the test was performed and although the blocks were laid in High-Early-Strength Cement Mortar, the joints were still weak. This fact hastened the development of cracks which appeared on the exterior faces of the support during the early stages of each test.

JOISTS

The joists used in each assembly were the standard Lith-I-Bar rolled Haydite joists, except that these units were designed for the specific purpose of meeting that portion of the Administrative Building Code, which calls for 1½ in. coverage of concrete over all steel reinforcement. The overall height of the joists was not altered by this change, but the effective height of the steel reinforcing unit in the 14 in. joists was reduced from 12½ in. to 11 in. and the effective height of the steel reinforcing unit in the 8 in joist was reduced from 6⅞ in. to 5 1/16 in. In both cases these measurements are taken center to center of steel reinforcement. The stirrups consist of ⅜ in. diameter bars spaced 1 in. from the end followed by spacings of 4, 5, 6, 7, 8, and 12 in. to midsection and reversely repeated for the remaining half of the joist. The requirement for additional fireproofing not only decreased the effective depth but also increased the widths of the joists. The 14 in. joists being increased from a width of 4 in. to 5¼ in. and the 8 in. joists being increased from a width of 3 in. to a width of 4⅞ in.

The concrete mixture used in the fabrication of the joists was 1 bag, 94 lb. High-Early-Strength Cement, 2 cu. ft. sand, and 2 cu. ft. coarse Haydite, passing a ½ in. mesh. All joists for both the 30 ft. and 20 ft. spans were rolled on Sunday, Nov. 1, 1942, and cured

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in accordance with the standard practice of the Dextone Company. They were five days old when placed and six days old when tested. The reinforcing steel used for both the longitudinal and web reinforcement was of Structural Grade—deformed type, conforming with the requirements of the A.S.T.M. The bridging at midspan of joists to the full height of joists with plain concrete 4 in. wide. The top slab consisted of 2 in. thick Cantilite slabs, separated from adjoining planks, and not nailed to joists to provide additional lateral support of joists from bridging to end walls.

The design of these joists were based on the Code of the American Concrete Institute as follows:

$$\begin{aligned} f'_c &= 3750 \text{ p.s.i.} \\ f_c &= 1688 \text{ " (n = 8)} \\ v &= 113 \text{ " } \\ u &= 188 \text{ " } \\ f_s \text{ (tension)} &= 20,000 \text{ p.s.i.} \\ f_s \text{ (comp.)} &= 13,500 \text{ (nfc)*} \\ n &= 8 \\ k &= 0.403 \\ j &= 0.866 \end{aligned}$$

*For 14 in. joists use nfc = 8 x 1688 = 13,500 p.s.i. and for the 8 in. joists use f's = f_s = 20,000 indicated safe under A.C.I. Rule 706 (b) 1941.

PANEL NO. 1

for

14" x 5 1/4" Joists, spaced 30" o.c., clear span = 30'-0"
3 1/4" Web thickness

Assume:

Top steel 2-bars 5/8" ϕ , A's = .62 sq. in., d' = 1"
Bottom Steel
(1-bar 7/8" ϕ) A's = 1.39 sq. in., d = 12"
(1-bar 1" ϕ),
Web steel 3/8" ϕ bars, at 45°, 12" o.c. max. spacing.
Web reinf. to take all of shear stress.

Safe M for bottom steel,
1.39 sq. in. x 20000# x .866 x 12" = 289000" #

Safe Joist Load $\frac{289000" \# \times 8}{30.16' \times 12"} = 6400 \#$

$$\text{or } w = \frac{6400 \#}{2.5' \times 30"} = 85 \text{ p.s.f.}$$

Deduct wt. of (slabs 12 p.s.f.
Deduct wt. of (joists 11

$$23 \text{ p.s.f. } -23$$

SAFE SUPERIMPOSED UNIT LOAD 62 p.s.f.
(Test Failure Load 181.55 p.s.i.)

Safe M for concrete in top flange
 $\frac{1688 \times .403 \times .866 \times 12 \times 5.25}{2} = \frac{223000" \#}{66000" \#}$

Remaining M for top steel
f's for 2 5/8" ϕ = $\frac{66000}{11" \times .62 \text{ sq. in.}} = 9700 \text{ p.s.i.}$

or f_s for 2 1/2" ϕ = $9700 \times \frac{.62}{.40} = 15000 \text{ p.s.i.}$

u for bottom steel $\frac{3200 \#}{5.9 \text{ s. in.} \times .866 \times 12"} = 51 \text{ p.s.i.}$

Shear = $\frac{3200 \#}{.866 \times 3.25" \times 12"} = 95 \text{ p.s.i.}$

for conservative computation consider web bars vertical.

$$\text{max. } \frac{1}{s} = \frac{95 \text{ p.s.i.} \times 3.25"}{2200} = .14$$

$$\text{A.C.I. Index} = \frac{1.5 \times 15'}{.14} = 160$$

from A.C.I. Chart No. 17 spacing = 1", 7 @ 8", 10 @ 12".

Use Lith-I-Bar Standard end spacing & 12' o.c. through mid-section = 1", 4", 5", 6", 7", 8", 10", 12" throughout mid-section for uniformity in shop production of reinforcing units.

PANEL NO. 2

for

8" x 4 7/8" Joists, spaced 30" o.c., clear span = 20'-0"
3 3/8" Web thickness.

Assume:

Top steel 2-bars 1/2" ϕ , A's = .40 sq. in. d' = 1-1/16"
Bottom Steel
2 bars 3/4" ϕ , A_s = .88 sq. in. d = 6 1/8"
Web Steel, 3/8" ϕ bars, at 45°, 12" max. spacing.
Web. reinf. to take all of shear stress.

Safe M for bottom steel,
.88 sq. in. x 20000# x .866 x 6.125" = 93300" #

Joist load = $\frac{93300 \times 8}{20.16' \times 12"} = 3100 \#$

$$\text{or } w = \frac{3100 \#}{2.5' \times 20'} = 62 \text{ p.s.f.}$$

Deduct wt. of slabs 12 p.s.f.
Deduct wt. of joists 7 " -19
19 43 p.s.f.

Safe superimposed Unit Load 43 p.s.f.
(Test Failure Load 129 p.s.i.)

Safe M for concrete in top flange
 $\frac{1689 \times .403 \times .866 \times 6.125" \times 4.875"}{2} = \frac{54000}{39300" \#}$

Remaining M for top steel
f's for 2 1/2" ϕ = $\frac{39300}{5.0625" \times .40} = 19350 \text{ p.s.i.}$

$$2/r \text{ for } 1/2" \phi \text{ bar @ } 12" = 1 = \frac{12}{125} = 96.$$

Note: Use 2 1/2" ϕ top steel for test to check on rule 706 (b) in A.C.I. code 1941 and to verify computed f's from results of some previous private tests.

u for bottom steel = $\frac{1550 \#}{.866 \times 4.7"} \times 6.125 = 63 \text{ p.s.i.}$

Shear = $\frac{1550}{.866 \times 3.375" \times 6.125"} = 87 \text{ p.s.i.}$

for conservative computation consider web bars vertical.

$$\text{max. } \frac{1}{s} = \frac{87 \text{ p.s.i.} \times 3.375}{2200} = .1333$$

$$\text{A.C.I. index} = \frac{1.5 \times 10'}{1.333} = 112.5$$

From A.C.I. Chart No. 17. Spacing = 1", 5 @ 8", 7 @ 12".

Use Lith-I-Bar Standard end spacing and 12" o.c. through mid-section = 1", 4", 5", 6", 7", 8", 12" throughout mid-section for uniformity in shop production of reinforcing units.

DESCRIPTION OF LOADING TESTS

The load carrying capacity of each assembly was determined by loading with bags of cement or crushed stone. The disposition of the bags for each stage of

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the loading was designed to obtain a uniform load over the entire unsupported span and across the Cantilite plank to a distance beyond each of the outer joists equal to one-half the center to center span between joists. In order to assist in spreading the load, wood 2 in. x 10 in. plank were laid longitudinally along the panels.

Deflection readings were taken for the 30 ft. span at six stations, two on the center line and two on each of the one-quarter span lines. Deflection readings were taken for the 20 ft. span at two stations located on the center line. In all cases, the station points were located over the center lines of the exterior joists. All figures refer to clear span between faces of supports. Deflection readings were taken from scales attached to sections of pipe held upright by concrete standards resting upon the surface of the Cantilite plank and held in position by means of plaster of Paris. The load was placed in the increments shown in the table, allowance being made for the weight of the pipe standards, plank, and Cantilite flooring.

14" Joist 30' Span (Clear)

Total Superimposed Load, lbs.	Lbs. per sq. ft.	Station Points* (Deflec. in inches)					
		1	2	3	4	5	6
11390 (1)	50	0.36	0.32	0.47	0.52	0.37	0.42
15710 (2)	70	0.59	0.66	0.77	0.90	0.59	0.72
19000 (3)	85	0.84	0.89	1.05	1.12	0.82	0.94
24460	109	1.34	1.34	1.69	1.74	1.33	1.41
28780 (4)	128	1.55	1.59	1.96	1.94	1.54	1.60
28780 (5)	128	1.76	1.71	2.16	2.18	1.76	1.79
28780 (6)	128	2.00	1.96	2.59	2.69	1.97	2.03
40850 (7)	182	3.45	3.36	4.63	4.76	3.33	3.36

* Station Points 3 and 4 were at the midpoint of the span with station points 5, 6 and 1, 2 at the quarter points. All stations were located 15" in from the sides of panels.

(1) Exterior bridging displaced, opening 1/2" at bottom adjacent to joist and approximately same amount at top adjacent to pier. Slight cracks along horizontal joints, on outer faces of both abutments at joist bearing level.

(2) Slight increase in abutment cracks noted above.

(3) Increased dislocation of exterior bridging. Interior bridging between joists unaffected by loading. During application of this load, exterior bridging commences to support concrete plank beneath center standards invalidating deflection reading at Station 3 and 4.

(4) Small cracks visible on faces of joists starting at lower flange and extending a few inches into web. Cracks spaced fairly uniformly, a few feet apart throughout lengths of joists except within 3' or 4' of supports. Loading suspended from 12.00 Noon until 2.00 P.M. for luncheon.

(5) Readings taken under same loading after return from luncheon. Small cracks in joists, noted above, slightly increased. Cracks on exterior faces of abutments, having increased to about 3/16 of an inch, are remaining approximately constant.

(6) These readings taken under same load after exterior bridging cut out to permit concrete plank to follow deflection of joists across center line of span. Ends of bridging adjacent to exterior joists wedged against faces of joists with wooden wedges. Small cracks on faces of joists slightly increased in width, with same type of uniform distribution along entire lengths of each joist except within 3 ft. or 4 ft. of supports.

(7) Failure of test panel occurred while these readings were being made.

8" Joist 20' Span (Clear)

Total Superimposed Load, lbs.	Lbs. per sq. ft.	Station Points* (deflec. in inches)	
		1	2
7030 (1), (2)	47	0.77	0.76
9850 (3)	66	1.20	1.21
12010 (4)	80	1.52	1.52
15580	104	2.20	2.16
19430 (5), (6)	130	3.00	2.93

* Station Points 1, 2 located midspan 15" in from sides.

(1) Top surfaces of exterior bridgings removed prior to loading in order to prevent support of concrete plank under deflection.

(2) Exterior bridging displaced, opening 1/2" at bottom adjacent to joist and approx. same amount at top adjacent to pier. Slight cracks along horizontal joints, on outer faces of both abutments at joist bearing level.

(3) Small cracks visible on faces of joists starting at lower flange and extending a few inches into web. Cracks spaced fairly uniformly, a few feet apart throughout lengths of joists except within 3' or 4' of supports.

(4) Fine cracks noted above slightly increased in width. Cracks in exterior faces of abutments appreciably increased in width.

(5) Prior to this loading, side bridgings further removed to prevent support of concrete plank and wedges used to provide lateral support to joists.

(6) Deflections rapidly increased after this loading, resulting in complete failure of test panel.

OBSERVATIONS AFTER FAILURE

Although the supporting concrete block walls, laid as previously noted in High-Early-Strength Cement Mortar, were only twenty-four hours old, there was no evidence in either test that the end reaction beneath joists caused crushing of the mortar at inside faces of the wall bearings.

Under critical loading, at moment of failure, appreciable lateral movement of exterior joists and slight tilting of same at bearings occurred on the 30 ft. span. Smiliar movement, but hardly perceptible, appeared at the failure of the 20 ft. assembly. Inspection of fragments from joists shattered at midspan indicated very dense Haydite concrete in the webs and somewhat less dense in the flanges.

The bridging gave only nominal lateral support to the joists and since they were cut away at the top, they gave little lateral support against buckling of the top steel which at the breaking point of the test gave steel stresses of 56,000 p.s.i. (fs x 20,000, or 2.8 x 200,000) for the 8-in. joists and 48,000 p.s.i. (2.4 x 20,000) for the 14-in. joists. The deflection at the designed loads were normal as indicated by the readings in the loading tabs contained herein. There was no sign of bond failure until failure resulted in breaking at the midspan of the joists where the three-foot fall under full load coupled with the attendant distortion and shock caused the concrete to break away from top and bottom steel at only the midspan portion of the joists. Examination after failure showed all top flanges crumbled at midspan and top steel exposed and buckled laterally. One weld of web bar to top steel was broken near midspan of one 8-in. joist. Ultimate failure in both panels apparently occurred first by lateral buckling of the top steel at center of span although the final stress in the bottom steel approached its ultimate value. The failure of the 14-in. joist panel occurred suddenly without warning. In the

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8-in. joist panel failure was rapid with snapping sounds and rapid settlement.

These load tests indicate that the theories of design, stress allowances including compression stress steel to be equal to tension steel stress as computed herein are consistent with economical and safe use of materials and that by more careful limiting of the spacing of web ties to top steel in the midspan portion a better balance of strength between top and bottom flanges would be obtained. The test indicated that the joists can function without the stiffening that would be provided had the precast floor been secured to the joists provided that rigid central bridging is supplied and proper ratio of joist width to unsteadied length is observed and as was followed in these tests.

RECOMMENDATIONS

On the basis of the foregoing data, the Committee on Tests recommends the approval of Lith-I-Bar joists (Fig. 1), as manufactured by the Dextone Company of New Haven, Conn., under C26-191.0 when designed in accordance with the accepted theory of flexure as provided in C26-468.0 as follows:

In class 1 construction, as beams when protected as required in C26-509.0 except that standards joists with $\frac{3}{4}$ -in. metal protection in areas of 500 sq. ft. or less may be protected by a suspended ceiling with three-hour fire-resistive rating provided such areas are completely fire-stopped as provided in C26-615.0,a.

In class 2 construction, the joists to be protected in the manufacturer's standard method, namely, $\frac{3}{4}$ -in. protection for reinforcement, or when protected with ceiling protection as provided in C26-615.0b.

For use in other classes of construction where no fire-resistive rating is required or for use in such other classes of construction when protected so as to meet the fire-resistive rating required for the proposed use.

It is further recommended that all concrete shall comply with the requirements of the Administrative Building Code; that all material shall be designed and manufactured as described herein; that all designs of Lith-I-Bar joists shall be certified to by a professional engineer; that each drawing submitted to the Department of Housing and Buildings shall bear wording as follows: "The manufacture, design and use of these joists are in accordance with the approval of the Board of Standards and Appeals under Cal. No. 157-38-SM"; that adequate shoring to carry normal construction loads shall be provided as follows:

6"	depth joist	—	no shoring	up to 18'
8"	"	"	"	" " 24'
10"	"	"	"	" " 25'
12"	"	"	"	" " 25'

that the joists shall be spaced as required by load conditions; that bridging shall be provided for as follows:

6"	depth joists exceeding	12'	in length
8"	"	"	"
10"	"	"	"
12"	"	"	"
14"	"	"	"

Such bridging to include pipe sleeves for providing facilities for placing a tension rod through the entire bridging and joists with take-up device at each end of the rod; that precast joists may be used with flooring of either approved precast gypsum or concrete plank or poured concrete flooring, the latter complying with C26-620.0; that where the ends of joists are supported on masonry walls or steel beams, in order that lateral support be provided, the spaces between the ends of joists shall be filled with bridging blocks or other masonry units laid in mortar; that where framing exists around openings such as stairwells, the headers and the joists around such openings shall be double with the ends of the joists intersecting the headers supported by steel hangers; that where a non-load-bearing partition is parallel to the joists, the joists below such partition shall be double and where the partition is at right angles to the joists, adequate compensation shall be made for carrying this non-load-bearing partition by increasing the carrying capacity of the floor; that adequate supports complying with C26-461 shall be provided when suspended ceilings are used with these joists except that for ceilings not required to have a fire-resistive rating, such attachment may be made by adequate wood nailing strips secured to the joists. It is further recommended that all joist welds be of the arc welded type and that all welding comply with the Board's Rules.

(Sgd.) BERNARD A. SAVAGE,
Commissioner.

CHARLES M. BLUM,
Commissioner.

LESLIE V. HUBER,
Chief Engineer.
Committee on Tests.

and

WHEREAS, this report recommended the approval of this material.

Resolved, that the Board of Standards and Appeals does hereby approve the material known as the Lith-I-Bar Precast Light-Weight Joists, on condition that the material be designed, manufactured, used and designs stamped in accordance with above report.

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the Board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication in this BULLETIN of the calendars of the Board, each case being set down by Calendar Number and the premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the

offices of the Board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the Board is to dispose of all cases promptly; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

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OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.

Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET

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- | <i>Cal. No.</i> | <i>Dept.</i> | <i>Premises Affected.</i> |
|-----------------|--------------|--|
| 525-43-A | H.B.Q. | 105-51 160th street, east side, 20.37 ft. north of South street (Block 10118, Lot 68), Jamaica, Borough of Queens, A-1376-43. |
| 526-43-A | F.D. | 371-373 Pleasant avenue, west side, 60 ft. south of East 120th street (Block 1807, Lot 24), Borough of Manhattan, Decision. |
| 527-43-A | F.D. | 3-5 South 9th street and west side of Kent avenue, between South 8th and South 11th streets (Block 2134, Lot 1), Borough of Brooklyn, 95852-C. |
| 528-43-A | F.D. | 69 Bank street, north side, 150 ft. east of Bleecker street (Block 624, Lot 62), Borough of Manhattan, 18293-L.F. and Decision. |
| 529-43-A | F.D. | 126 West 46th street, south side, 350 ft. west of 6th avenue (Block 998, Lot 47), Borough of Manhattan, 35957-L.C. and Decision. |
| 530-43-A | F.D. | 39-47 West 19th street, north side, 244 ft. east of 6th avenue (5th and 7th floors); (Block 821, Lot 14), Borough of Manhattan, 34949-L.C. and Decision. |
| 531-43-S | F.D. | 30-02 to 30-20 Thompson avenue, south side, from 30th street to 30th place, 45-01 to 45-15 30th street and 45-02 to 45-16 30th place (cellar); (Block 274, Lot 1), Long Island City, Borough of Queens, 11107-L.F. and Decision. |
| 532-43-A | F.D. | Re: Handling, transportation, storage and delivery of Motion Picture Film in other than Metal Containers (Containers not in conformity with Administrative Code requirements), 36124-L.C. |
| 533-43-A | F.D. | Re: Handling, transportation, storage and delivery of Motion Picture Film in other than Metal Containers (Containers not in conformity with Administrative Code requirements), 36122-L.C. |
| 534-43-A | F.D. | 572-574 10th avenue and 466 West 42nd street, southeast corner (Block 1051, Lots 61 and 62), Borough of Manhattan, 15426-L.F. and Decision. |
| 535-43-A | H.B.Bx | 2454-2458 Grand Concourse, southeast corner of East 188th street (Block 3152, Lots 69 to 77, inclusive), Borough of The Bronx, Amendments to E.S. 6-43 and E.S. 7-43. |
| 536-43-A | H.B.M. | 303-307 West 140th street, north side, 90 ft. west of 8th avenue (Block 2042, Lot 40), Borough of Manhattan, Amendment to Alt. 615-41. |
| 537-43-BZ | H.B.R. | Foot of Tower lane, 582.87 ft. east of Victory boulevard (Block 2620, Lots 78 and 300), Travis, Borough of Richmond, Misc. F.O. 139-43 and Alt. 85-43. |
| 538-43-A | H.B.R. | Foot of Tower lane, 582.87 ft. east of Victory boulevard (Block 2620, Lots 78 and 300), Travis, Borough of Richmond, Misc. F.O. 139-43 and Alt. 85-43. |

539-43-BZ—H.B.Bx—4748-4756 Bronx boulevard, and 600 East 242nd street (Block 5103, Lots 37 to 42, inclusive), Borough of The Bronx, Alt. 388-43.

Restored to Calendar

- 770-42-A—F.D.—Re: Packaging and transportation of inflammable mixtures known as "3-M Furniture Cleaner and Polish" and "Scotchlite" Adhesive in 1 pint, 1 quart, one-half gallon and one gallon glass containers (capacity of glass containers not in conformity with Administrative Code requirements), Decision.
- 294-43-A—H.B.Q.—33-55 to 33-81 12th street and 12-01 to 12-19 34th avenue, northeast corner and 33-52 to 33-80 13th street (Block 522, Lot 1), Long Island City, Borough of Queens, N.B. 1367-42.
- 122-43-S—234-240 East 39th street, south side, 150 ft. west of 2nd avenue (Block 919, Lot 16), Borough of Manhattan, Decision.
- 28-35-A—F.D.—245-259 11th avenue, west side, entire block bounded by west side of 11th avenue to 13th avenue, between West 26th and West 27th streets, 200-214 13th avenue, 601-649 West 26th street and 600-652 West 27th street (Block 672, Lot 1), Borough of Manhattan, 36215-C.

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

RULES

	Last Publication in Bulletin
Blended Cements, Rules for Testing and Use of	Nov. 24, 1942—Vol. 27, No. 47
Carbon Dioxide Liquefier, Rules	June 22, 1943—Vol. 28, No. 25
Certificates of Occupancy, approved form	Nov. 25, 1941—Vol. 26, No. 47
Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Masonry Units, Rules for Manufacture, Testing and Use of	June 24, 1941—Vol. 26, No. 25
Concrete Rules (Hydrated Lime)	Aug. 3, 1937—Vol. 22, No. 31
Elevator Rules	Mar. 3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors)	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules	Oct. 5, 1943—Vol. 28, No. 40
Fire Alarm Rules (Interior)	June 8, 1943—Vol. 28, No. 23
Fire Drill Rules	Sept. 14, 1943—Vol. 28, No. 37
Fire-resistive, Flameproof Materials, etc., Rules for Testing of	Nov. 2, 1943—Vol. 28, No. 44
Fire Retarding Rules for Garages, etc.	Dec. 16, 1941—Vol. 26, No. 50
Fireproof Wood, Testing of	Apr. 13, 1937—Vol. 22, No. 15
Frame Garages, Ruling for	Jan. 21, 1919—Vol. 4, No. 3
Fusion Welding and Gas Cutting Rules	Apr. 27, 1943—Vol. 28, No. 17
Gas Shut-Off Rules	Apr. 7, 1925—Vol. 10, No. 14
Hatchway Protection	June 5, 1928—Vol. 13, No. 23
Insulating Fibre Board Rules	Mar. 23, 1943—Vol. 28, No. 12
Oil Burner Rules	Oct. 26, 1943—Vol. 28, No. 43
Opening Protective Assemblies, Rules for Inspection of	Oct. 26, 1943—Vol. 28, No. 43
Paint, Varnish and Lacquer Spraying Rules	Oct. 12, 1943—Vol. 28, No. 41
Platform Trucks, Specifications for	Nov. 24, 1936—Vol. 21, No. 47
Plumbing Rules	Aug. 3, 1937—Vol. 22, No. 31
Plumbing Rules (Submerged Inlets; Protective Methods to Prevent Contamination of Water Supply)	Oct. 19, 1943—Vol. 28, No. 42
Procedure, Rules of	Sept. 7, 1937—Vol. 22, No. 36
Refrigerating Systems, Extract A.C.	Oct. 12, 1943—Vol. 28, No. 41
Smoking in Factories, Rules for	Oct. 12, 1943—Vol. 28, No. 41

CALENDAR

Last Publication in Bulletin

Sprinkler Rules	June 29, 1937—Vol. 22, No. 26
Standpipe Fireline Rules.....	June 8, 1937—Vol. 22, No. 23
Structural Alterations, Reporting...	June 7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc.....	Nov. 24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.....	Nov. 24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)...	Apr. 10, 1923—Vol. 8, No. 15

Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

NOVEMBER 16, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, November 16, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

222-43-BZ—Application, May 11, 1943, under section 7h of the zoning resolution, of Arthur Weiser, applicant, on behalf of Bijou Realty Corporation, owner, to permit partly in a residence use and partly in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises west side of Riverdale avenue, 157.01 ft. north of West 232nd street (Block 3409E, Lot 374), Borough of The Bronx.

1051-27-BZ—Application of Lama and Proskauer, applicants, on behalf of Rutland Parkway, Inc., owner (Sinclair Oil Refining Co., lessee), reopened December 1, 1942, under sections 7c and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of an auto laundry (located upon an existing gasoline service station) to a motor vehicle repair shop and, also, the inclusion of parking and storage of more than five motor vehicles; premises 724-740 Ralph avenue and 81-101 East 98th street, northwest corner (Block 3530, Lot 1), Borough of Brooklyn.

1333-22-BZ—Application of Robert J. Farrington, applicant, on behalf of Besemer Realty Corporation, owner, reopened October 26, 1943, for consideration as to rehearing as to new use—motor vehicle repair shop in rear portion of building—re Application, previously granted on condition, under section 7c of the zoning resolution, permitting partly in a business use and extending into a residence use district, the erection and maintenance of a business building; premises 662 East Fordham road, south side, 50.96 ft. west of Cambreleng avenue (Block 3091, Lot 22), Borough of The Bronx.

585-42-BZ—Application, July 21, 1942, under section 7c of the zoning resolution, of William V. McDevit, applicant, on behalf of Socony-Vacuum Oil Co., Inc., owner, to permit in a business use district, the extension in area of an existing gasoline service station and, also, the erection thereon and maintenance of a building to be used as auto laundry and lubritorium; premises 4091 Hylan boulevard and 293 Nelson avenue, northeast corner (Block 5158, Lot 37), Great Kills, Borough of Richmond.

Appeals from Administrative Decisions.

399-43-A—2531-2539 Broadway, west side, from West 94th street to West 95th street and 250-254 West 95th street (Block 1242, Lots 55 and 10), Borough of Manhattan.

361-43-A—16 Central avenue, west side, 134.62 ft. south of Hyatt street (Block 6, Lot 75), St. George, Borough of Richmond.

HARRIS H. MURDOCK, *Chairman*.

NOVEMBER 16, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday afternoon, November 16, 1943, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions

364-43-A—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

592-42-S—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

593-42-A—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

115-43-S—21-10 49th avenue, southeast corner of 21st street (1st floor); (Block 71, Lot 1), Long Island City, Borough of Queens (reopened September 14, 1943 re amendment of resolution).

28-35-A—601-649 West 26th street, 600-652 West 27th street, 200-214 13th avenue and 245-259 11th avenue (Block 672, Lot 1), Borough of Manhattan (reopened November 9, 1943).

446-43-A—2-22 Quincy street and 1-9 Downing street, southeast corner (Block 1972, part of Lot 2), Borough of Brooklyn.

509-43-A—48-15 Rockaway Beach boulevard, southeast corner of Beach 49th street (Block 336, Lot 60), Edgemere, Borough of Queens.

460-43-S—984-986 Grand street, south side, 200 ft. 0 $\frac{1}{8}$ in. west of Morgan avenue and 357-359 Maujer street (Block 3019, Lot 33), Borough of Brooklyn.

467-43-S—203 Clifton place, north side, 90 ft. west of Bedford avenue (Block 1950, Lot 41), Borough of Brooklyn.

468-43-S—39-41 Waverly avenue, east side, 133 ft. 2 in. north of Park avenue (Block 1874, part of Lot 1), Borough of Brooklyn.

476-43-A—1317-1329 Broadway, west side, from West 34th street to West 35th street, 105-173 West 34th street, 441-459 Seventh avenue and 108-166 West 35th street (Block 810, Lot 1), Borough of Manhattan.

549-43-A—36-20 to 36-46 33rd street and 32-50 37th avenue, southwest corner (1st and 5th floors); (Block 601, Lot 1), Long Island City, Borough of Queens.

453-43-A—91-25 87th street, east side, 235 ft. south of 91st avenue (Block 8981, Lot 49), Woodhaven, Borough of Queens.

HARRIS H. MURDOCK, *Chairman*.

NOVEMBER 23, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, November 23, 1943 at 10 o'clock in Room 1013 Municipal Building, Manhattan, on the following matter:

Zoning Application.

494-43-BZ—Application, October 20, 1943, under sections 7a and 21 of the zoning resolution, of Humphrey Nolan,

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applicant, on behalf of Emigrant Industrial Savings Bank, owner, to permit in a residence use district, the conversion of occupancy of a building occupied as laundry and storage to a factory; premises 518-524 East 80th street, south side, 298 ft. east of York avenue (Block 1576, Lots 37 and 39), Borough of Manhattan.

Appeal from Administrative Decision

495-43-S—518-524 East 80th street, south side, 298 ft. east of York avenue (Block 1576, Lots 37 and 39), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 23, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, November 23, 1943* at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeal from Administrative Decision

516-43-A—57-46 Flushing avenue, 58-12 59th drive, 59-05 60th avenue and 59-83 59th street, east side, 214 ft. 10 in. south of 59th drive (Block 2649, Lots 113 and 135 and Block 2653, Lot 5), Maspeth, Borough of Queens (under section 35, General City Law re bed of mapped street—59th street).

Appliances and Materials for Approval

726-41-SA—Dry-Sys Type L Indirect Oil-Fired Air Heater and Syphon Oil Burner, for Industrial Installation.

354-43-SM—Olsen Clip System 2-in. Solid Plaster Partition.

246-43-SA—Weldit, Model E, Gasaver.

392-43-SA—Western Electric Company, Inc., Type "OF" Burner Tip for Hydrogen-Oxygen Flame.

340-43-SM—Precast Concrete Plank, 1 in. x 16 in x 48 in.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 30, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, November 30, 1943*, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

347-43-BZ—Application, July 8, 1943, under section 21 of the zoning resolution, of J. Nelson Cooper, applicant, on behalf of Bertha Hagena, owner, to permit in a residence use and also a "D" area district, the erection of an extension to a commercial building; also the proposed extension does not comply with the area or rear yard requirements of the zoning resolution; premises 67-45 Alderton road, east side, 406.08 ft. north of Yellowstone boulevard (Block 3150, Lot 22), Forest Hills, Borough of Queens.

539-43-BZ—Application, November 9, 1943, under section 21 of the zoning resolution, of Robert G. Zetsche, applicant, on behalf of Carlton R. Valentine and Estate of August E. Eggert (Alma M. Lackas, Wilhelmina Schussler and Augusta E. Feuerstein, executrices), owners, (Angold Garage Corporation, lessee), to permit

in a residence use district, the conversion of occupancy of an existing garage for more than five motor vehicles to a testing laboratory, storage use and, also, garage for more than five motor vehicles; premises 4748-4756 Bronx boulevard and 600 East 242nd street, southeast corner (Block 5103, Lots 37 to 42, inclusive), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 30, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, November 30, 1943*, at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions

455-43-A—36-27 to 36-39 36th street, south side, 243.31 ft. west of 36th avenue (Block 636, Lots 14, 15 and 19), Long Island City, Borough of Queens.

543-43-A—48-01 to 50-21 Metropolitan avenue, northwest corner of Flushing avenue (Block 2318, Lot 25), Maspeth, Borough of Queens (under section 35, General City Law re bed of mapped street—51st street).

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 7, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 7, 1943*, at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Zoning Application.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 14, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 14, 1943* at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Zoning Application.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

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BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, NOVEMBER 9, 1943

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

The minutes of the regular meeting of the Board held on Wednesday morning, November 3, 1943, and Wednesday afternoon, November 3, 1943, were approved as printed in Bulletin 45, Volume 28.

ZONING CASES

1051-27-BZ

APPLICANT—Lama and Proskauer, for Rutland Parkway, Inc., owner (Sinclair Oil Refining Co., lessee.)

SUBJECT—Application reopened December 1, 1942 (decision of the borough superintendent) under sections 7c and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of an auto laundry (located upon an existing gasoline service station) to a motor vehicle repair shop and, also, the inclusion of parking and storage of more than five motor vehicles.

PREMISES AFFECTED—724-740 Ralph avenue and 81-101 East 98th street, northwest corner (Block 3530, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 16, 1943 at 10 A. M., for further consideration by the Board. Applicant to submit revised plans.

888-38-BZ

APPLICANT—Irving M. Fenichel, for General Linen Supply & Laundry Co., Inc., owner.

SUBJECT—Application for consideration—reopening and extension of time to complete work—re Application (decision of the acting borough superintendent of buildings), under sections 7a and 21 of the building zone resolution, permitting in a residence use and "C" area district, the alteration, extension and conversion of occupancy of an existing building to a garage for more than five (5) motor vehicles and, also, the omission of the required rear yard.

PREMISES AFFECTED—467-473 Prospect avenue, north side, 151 ft. 4 in. west of Prospect Park West (Block 1113, Lot 62), Borough of Brooklyn.

APPEARANCES—

For Applicant: Irving M. Fenichel.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Request to reopen, withdrawn.

THE VOTE TO WITHDRAW REQUEST TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

98-20-BZ

APPLICANT—Henry Nordheim, for Maresca Company, Inc., owner.

SUBJECT—Application reopened September 14, 1943 (decision of the acting borough superintendent) under section 7c of the zoning resolution, to permit in a business use district, the inclusion of a motor vehicle repair shop in a public garage—the said public garage was previously granted by the Board.

PREMISES AFFECTED—2653 Webster avenue, west side, 151.03 ft. south of East 195th street (Block 3277, Lot 36), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry Nordheim and Laura Maresca.

For Opposition: Matilda M. Zedler and Kate Meon.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (198-20-BZ)

WHEREAS, this application, permitting in a business use district, the erection and maintenance of a storage garage, affecting premises 2653 Webster avenue, west side, 151.03 ft. south of East 195th street (Block 3277, Lot 36), Borough of The Bronx, was granted by the Board on May 18, 1920, on certain conditions; and

WHEREAS, the applicant requested a reopening of the application for an amendment of the resolution to include a motor vehicle repair shop; and

WHEREAS, this case was reopened by vote of the Board on September 14, 1943, subject to usual procedure; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting held November 9, 1943, after due notice by publication in the Bulletin of the Board; and

WHEREAS, the use district maps accompanying the zoning resolution show that Webster avenue, East 194th street and Decatur avenue are in business use districts and East 195th street is in a business use and residence use district; and

WHEREAS, the decision of the borough superintendent dated July 28, 1943 on Alt. Applic. 267-43 reads:

"1. The proposed occupancy of structure as a storage garage for more than five (5) motor vehicles, office and motor vehicle repair shop, is contrary to the resolution approved by the Board under Cal. No. 198-20-BZ, and contrary to Certificate of Occupancy 1489, issued March 23, 1921."

and

WHEREAS, the applicant states that the premises consists of a building, one story 20 ft. in height, 100.63 ft. by 98.36 ft. in area, of class 3 construction, erected in 1921 on a plot 100.63 ft. by 98.36 ft. in area, in a business use, B area district, now used as a storage garage and proposed to be used as a storage garage and motor vehicle repair shop.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on May 18, 1920, by adding thereto:

"* * * Granted under section 7c, to permit the occupancy of the building for motor vehicle repair shop in addition to the existing lawful occupancy as a storage garage, on condition that the repairing shall be by means of hand tools only, except that a drill and a grinder may be motor driven, provided they require not more than one-half (1/2) horse power motor each; that there shall be no fender or body work carried on and no anvil or forge on the premises; that no paint spraying shall be done on the premises; that no additional signs adver-

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tising the motor vehicle repair shop shall be maintained on the exterior of the building; that such portable fire fighting appliances shall be maintained as the fire commissioner shall direct; that the space to be occupied by such motor vehicle repairing shall not exceed 25% of the area of the building; that no windows shall be constructed in the side lot line or rear walls and no additional skylights other than those now shown as existing shall be installed; that such motor vehicle occupancy shall be permitted only so long as the primary use of the building is a storage garage."

466-43-BZ

APPLICANT—George A. Boehm, for Harcourt Johnstone, Amos R. E. Pinchot and Gifford Pinchot, owners.

SUBJECT—Application (decision of the Borough superintendent) under section 7e of the zoning resolution, to permit in a residence use district, the conversion of occupancy of a building occupied as a garage for more than five motor vehicles and auto repair shop to a factory.

PREMISES AFFECTED—146-150 West 63rd street, south side, 100 ft. east of Amsterdam avenue (Block 1134, Lot 58), Borough of Manhattan.

APPEARANCES—

For Applicant: George A. Boehm and Sidney Newborg.

For Opposition: Harry J. Trivisonno.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (466-43-BZ)

WHEREAS, George A. Boehm, for Harcourt Johnstone, Amos R. E. Pinchot and Gifford Pinchot, owners, filed September 29, 1943, an application under section 7e of the zoning resolution, to permit in a residence use district, the conversion of occupancy of a building occupied as a garage for more than five (5) motor vehicles and auto repair shop to a factory; premises: 146-150 West 63rd street, south side, 100 ft. east of Amsterdam avenue (Block 1134, Lot 58), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board at its regular meeting held on November 9, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that West 63rd street is in residence and local retail use districts; West 62nd street is in residence and local retail use districts; Amsterdam avenue is in local retail and residence use districts; and

WHEREAS, the decision of the borough superintendent, re Alt. Applic. 769-43, dated September 8, 1943, and amended October 15, 1943, reads:

"Obj. 1. Conversion of occupancy of building used for office, garage for more than 5 motor vehicles, auto repair shop to a factory is contrary to Art. 2, Sec. 3 of Zoning Resolution. Reconsideration denied."

and

WHEREAS, the applicant states that the existing building is of fireproof construction three stories in height, with a frontage of 75 ft. and a depth of 100 ft.; and that it is proposed to convert the occupancy of the existing building which is used for office, garage for more than 5 motor vehicles and motor vehicle repair shop to a factory; and

WHEREAS, these premises and the surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that this was a proper case in which to exercise discretion to grant under section 7, subdivision e, of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution and that the application be and it hereby is *granted* under section 7e for a term of two (2) years from the date of this action, to permit the building to be occupied temporarily for factory purposes as proposed, *on condition* that the building shall comply with all the requirements of the Labor Law and all other laws, rules and regulations applicable thereto; that a goose neck steel ladder shall be maintained from the top landing of the exterior stairway to roof; that all loading and unloading of materials shall be within the building; that such portable fire fighting appliances shall be maintained as the fire commissioner shall direct; that the human occupancy of the building shall not exceed that lawfully permitted by the capacity of the two interior enclosed stairs.

986-40-BZ

APPLICANT—Charles Weissman, for Louis H. Pink, Superintendent of Insurance, State of New York, as Liquidator of Bond and Mortgage Guarantee Company, owner (Frank Felino, lessee).

SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the borough superintendent) under section 7h of the building zone resolution, permitting partly in a residence use district and partly in a business use district, for a term of two years the parking and storage of more than five motor vehicles; previously granted by the Board.

PREMISES AFFECTED—2201-2207 Surf avenue and 2962-2970 West 22nd street, northwest corner (Block 7057, Lot 35), Borough of Brooklyn.

APPEARANCES—

For Applicant: Frank Felino.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (986-40-BZ)

WHEREAS, this application, under section 7h of the zoning resolution, permitting partly in a residence use and partly in a business use district, for a temporary term of two years, the parking and storage of more than five motor vehicles, affecting premises 2201-2207 Surf avenue and 2962-2970 West 22nd street, northwest corner (Block 7057, Lot 35), Borough of Brooklyn, was granted by the Board April 15, 1941, on certain conditions, time extended on September 23, 1941, to obtain permits and complete the work and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on April 15, 1941, as amended on September 23, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h for a term of two (2) years from April 15, 1943, to permit the premises to be occupied for the parking and storage of more than five motor vehicles, *on condition * * **"

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385-41-BZ

APPLICANT—West 52nd-53rd Street Parking, Inc. (lessee), for John D. Rockefeller, Jr., owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting partly in a residence use and partly in a retail use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—2-24 West 53rd street, south side, 100 ft. west of Fifth avenue and 3 West 52nd street (Block 1268, Lots 30 and 42 to 52, inclusive), Borough of Manhattan.

APPEARANCES—

For Applicant: Lester S. Abberley and Rudolph Travers.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (385-41-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting partly in a residence use district and partly in a retail use district, for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 2-24 West 53rd street, south side, 100 ft. west of Fifth avenue and 3 West 52nd street (Block 1268, Lots 30 and 42 to 52, inclusive), Borough of Manhattan, was granted by the Board on November 12, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on November 12, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

" * * * Granted for a term of two (2) years from the date of this amended resolution, to permit * * * "

493-41-BZ

APPLICANT—Joseph B. Lynch, for Colonial Beacon Oil Company, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete—re Application (decision of the borough superintendent) previously granted on condition, under section 7c of the zoning resolution, permitting in a business use district, the erection and maintenance of an accessory building on an existing gasoline service station.

PREMISES AFFECTED—2322-2326 First avenue and 401 East 119th street, northeast corner (Block 1807, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: Joseph B. Lynch.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (493-41-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting in a business use district, the erection and maintenance of an accessory building on an existing

gasoline service station, affecting premises 2322-2326 First avenue and 401 East 119th street, northeast corner (Block 1807, Lot 1), Borough of Manhattan, was granted by the Board on September 30, 1941, on certain conditions, time extended on October 27, 1942, to obtain permits and complete the work and the applicant requested a further extension of time to complete the work.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on September 30, 1941, as amended on October 27, 1942, only so far as it has reference to the completion of the work, so that as amended this portion of the resolution shall read:

" * * * that in view of statement by applicant that all permits have been obtained, that all work shall be completed within one (1) year from the date of this amended resolution * * * "

644-41-BZ

APPLICANT—Charles H. Richter, for Charles L. Calhoun for General Theological Seminary of the Protestant-Episcopal Church in the United States, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete—re Application (decision of the borough superintendent) previously granted on condition, under section 7g of the zoning resolution, for a term of 15 years, to permit in an unrestricted use district, the erection and maintenance of a garage for more than five motor vehicles, within 200 feet of an exit from or an entrance to a school, maintained by an established religious group.

PREMISES AFFECTED—177-183 Tenth avenue and 500-504 West 21st street, southwest corner (Block 692, part of Lot 30), Borough of Manhattan.

APPEARANCES—

For Applicant: Charles H. Richter.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn... 4

Negative 0

THE RESOLUTION (644-41-BZ)

WHEREAS, this application under section 7g of the zoning resolution, permitting in an unrestricted use district, for a term of 15 years, the erection and maintenance of a garage for more than five motor vehicles, within 200 feet of an exit from or an entrance to a school maintained by an established religious group, affecting premises 177-183 Tenth avenue and 500-504 West 21st street, southwest corner (Block 692, part of Lot 30), Borough of Manhattan, was granted by the Board on December 16, 1941, on certain conditions; and

WHEREAS, on November 24, 1942, time was extended to complete the work and the applicant requested a further extension of time to complete the work.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on December 16, 1941, as amended on November 24, 1942, only so far as it has reference to the completion of work, so that as amended, this portion of the resolution shall read:

" * * * that in view of statement by representative of the owner, that all permits have been obtained, that all work shall be completed within one (1) year from the date of this amended resolution * * * "

Adjourned: 11:45 A. M.

JOSEPH J. DOYLE, Chief Clerk.

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REGULAR MEETING

TUESDAY AFTERNOON, NOVEMBER 9, 1943

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.

APPEALS FROM ADMINISTRATIVE DECISIONS

455-43-A

APPLICANT—Irving M. Fenichel, for L. Blau and Sons, Inc., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—36-27 to 36-39 36th street, south side, 243.31 ft. west of 36th avenue, (Block 636, Lots 14, 15 and 19), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Irving M. Fenichel.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 30, 1943 at 2 P. M., for inspection by a committee of the Board.

434-43-A

APPLICANT—Samuel Rosenblum, for The Mantrose Corporation, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—136-146 41st street, south side, 240 ft. east of First avenue (Block 716, Lot 20), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal withdrawn to comply.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

28-35-A

APPLICANT—John J. Gilmartin, for Neo Gravure Printing Co., Inc., lessee.

SUBJECT—Application for consideration—reopening and amendment of resolution—re Appeal from an order of the fire commissioner.

PREMISES AFFECTED—601-649 West 26th street, 600-652 West 27th street, 200-214 13th avenue and 245-259 11th avenue (Block 672, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: John J. Gilmartin and Harley C. Alyer.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

770-42-A

APPLICANT—Harold Wyman, for Minnesota Mining and Manufacturing Company, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from a decision of the fire commissioner re packaging, storage and distribution of inflammable mixtures known as "3-M Furniture Cleaner and Polish" and "Scotch-lite Adhesive" in one-pint, one-quart, one-half gallon and one-gallon containers.

APPEARANCES—

For Applicant: None.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

122-43-S

APPLICANT—Austenal Laboratories, Inc. (lessee), for East 39th Co., Inc., owner.

SUBJECT—Application for consideration—reopening and restoration to the calendar—Variation of the labor law as cited in a decision of the fire commissioner (previously dismissed for lack of prosecution).

PREMISES AFFECTED—234-240 East 39th street, south side, 150 ft. west of 2nd avenue (Block 919, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: Fred L. Roberts.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

294-43-A

APPLICANT—Raymond Irrera, for G. P. W. Realty Company, Inc., owner (Krieger Steel Sections, Inc., lessee).

SUBJECT—Application for consideration—reopening and rehearing on new proposal and decision—Appeal from a decision of the acting borough superintendent (previously denied).

PREMISES AFFECTED—33-55 to 33-81 12th street, 12-01 to 12-19 34th avenue, northeast corner and 33-52 to 33-80 13th street (Block 522, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Raymond Irrera.

ACTION OF BOARD—Appeal reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

303-43-A

APPLICANT—Henry H. Nutt, Staten Island Savings Bank, owner (Richmond Terminal Trucking Co., lessee).

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—478 Bay street and 21-23 Congress street, northwest corner (Block 509, Lot 8), Stapleton, Borough of Richmond.

APPEARANCES—

For Applicant: Henry H. Nutt.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE TO GRANT—

Affirmative: Chairman Murdock..... 1

Negative: Commissioners Savage and Blum and Deputy Chief Gunn..... 3

THE VOTE TO RECONSIDER—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

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THE VOTE TO GRANT—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (303-43-A)

WHEREAS, Henry H. Nutt, for the Staten Island Savings Bank, owner (Richmond Terminal Trucking Co., lessee), filed June 18, 1943, an appeal from a decision of the borough superintendent; premises 478 Bay street and 21-23 Congress street, northwest corner (Block 509, Lot 8), Stapleton, Borough of Richmond; and

WHEREAS, the decision of the borough superintendent, dated May 17, 1943, on B.N. 144-43, reads:

"1. The interior wooden partitions must be protected on all sides with fire retarding materials or assemblies having a fire resistive rating of at least 1 hour. (C26-257.0)

2. If the present storage garage, sales room and repair shop which, is in a business and business-1 use zone, is changed to the storage of airplane parts and equipment and a salesroom, the above prior non-conforming use must be discontinued. Amended Zone Res. Art. II, Sec. 6."

and

WHEREAS, the applicant states the building is 1 story (15 ft.) in height, 99 ft. by 204.75 ft. in area; Class 3 construction; erected in 1920; located in a business and business-1 use districts; occupied as a non-storage garage and merchandise storage; and

WHEREAS, Violation 121-43 was issued April 21, 1943, for erecting frame partition between wood posts supporting roof truss to separate the two rear compartments, without a permit from the Dept. of Housing and Buildings, and for changing the occupancy of the building without applying for a new certificate of occupancy; and

WHEREAS, the applicant contends that no certificate of occupancy was issued upon the erection of the building, although on December 22, 1920, the authorization for the issuance of such certificate was given; that the proposed occupancy of the building as described in the original new building application was for salesrooms, store, offices and service shop; that plans indicate, however, part to be used as a storage garage; that at the present time and for some years past, the building has been used as a non-storage garage as the buried gasoline tank has been sealed and there is no gasoline pump on the premises; that original plans showed the rear sections to be equipped with 1½ in. galvanized iron handrail from Congress street to a slight ramp and from the farther side of said ramp to the rear of the building; that the former owner replaced these railings with two heavy wooden partitions extending from floor to roof and subsequently rented the three sections to different tenants for use as service station, storage of trucks and cars, miscellaneous merchandise storage; that during 1924, the Staten Island Savings Bank became the owner through foreclosure; that about a year ago, two of the rear sections became vacant and the Bank rented them to the Richmond Terminal Trucking Co. for the storage of non-inflammable airplane parts and aviation field equipment, mostly in crates; that these items are either owned by the Government or are being held by Pan-American Airways, subject to shipment for war use by the Government; that the present tenant has informed the owner that it is unable to get space elsewhere and if forced to give up this space, it will result in a serious detriment to the war effort; that the owner is anxious to assist in the war effort, but does not believe the expense incidental to replacing the existing wooden partitions with 1-hour test walls, advisable, especially since the tenant will vacate the premises after the war; that a change in the recorded storage garage occupancy would be unfavorable for the owner, as the character and location of the building are such that under normal conditions, its sale and rental value

would be depreciated by the forfeiture of the original salesroom, store, offices, service shop and storage garage classification; and

WHEREAS, the premises were inspected by a committee of the Board.

Resolved, that the decision of the borough superintendent, acting on B.N. 144-43 be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to Objection 2 thereof, to permit for the term of the present emergency and for six months thereafter the occupancy of the building as proposed, *on condition* that the gasoline tanks shall be sealed to the satisfaction of the fire commissioner and that no motor vehicles shall be stored within the building, except as dead storage; that the tanks of the cars shall be emptied of gasoline and the cap and plug left open for ventilation; and, *denied* as to Objection 1.

435-43-A

APPLICANT—Woman's Hospital in the State of New York, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—420-444 West 110th street, south side, 200 ft. east of Amsterdam avenue and 115-143 West 109th street (Block 1864, Lot 9), Borough of Manhattan.

APPEARANCES—

For Applicant: Gordon Wells.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative: Commissioner Savage 1

Negative: Chairman Murdock, Commissioner
Blum and Deputy Chief Gunn 3

THE RESOLUTION (435-43-A)

WHEREAS, Woman's Hospital in the State of New York, owner, filed on September 8, 1943, an appeal from an order and decision of the fire commissioner, affecting 420-444 West 110th street, south side, 200 ft. east of Amsterdam avenue and 115-143 west 109th street (Block 1864, Lot 9), Borough of Manhattan; and

WHEREAS, Order 35445-LC, issued by the fire commissioner July 30, 1943 and referred to in a decision of the fire commissioner dated September 4, 1943, reads:

"1. Forthwith remove the refrigerating systems located in the hallways of these premises."

and

WHEREAS, the applicant states the building is 7 stories, (112 ft. 6 in.) in height; 244 ft. 2 in. by 100 ft., irregular in area; of Class 1 construction; equipped with a standpipe system; located in a residence use, B area district; erected 1906, 1915 and 1916; and occupied as follows: sub-cellar, boiler room and coal storage, 4 persons; cellar, engine room, machine shop, 6 persons; 1st floor, office and administration, 40 persons; 2nd floor, hospital, 40 persons; 3rd floor, hospital, 40 persons; 4th floor, hospital, 68 persons; 5th floor, hospital, 70 persons; 6th floor, operating rooms, kitchen and dining rooms, 47 persons; 7th floor, dining rooms and sleeping rooms, 8 persons. Note: 70 new born infants not included; and

WHEREAS, Certificate of Occupancy 16073, was issued January 30, 1930 for 141 West 109th street on Alt. Applic. 1992-28, permitting the use of the one story, fireproof public building as a hospital, 20 persons in the basement story and 3 persons on the 1st floor; and

WHEREAS, the applicant contends that the refrigerating system referred to in the order of the fire commissioner, consists of one Coca-Cola vending machine operated by 3½ lbs. of Freon gas and one ice cream vending machine

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operated by 2 lbs. of Freon; that Freon is deemed non-toxic, non-inflammable and non-irritant; that similar machines have been approved by the Board for use under the permissive provisions of the Rules adopted by the Fire Commissioner dated June 23, 1941 (Circular No. 3); that these machines are located in the first floor corridor of the hospital, which is used for administrative offices and reception rooms; that there is no other suitable location for these machines and their removal would be a great inconvenience to patients, visitors and personnel.

Resolved, that order 35445-LC of the Fire Commissioner be and it hereby is *affirmed* as to Objection 1, and that the appeal be and it hereby is *denied*.

491-43-S

APPLICANT—Irrving Adelsohn, for St. Clements Church in the City of New York, owner (Veg. Packaging Corporation, lessee).

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—108-112 West 3rd street, south side, 97 ft. west of Sullivan street (Block 540, Lot 17), Borough of Manhattan.

APPEARANCES—

For Applicant: Irving Adelsohn and Stewart Greenfield.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (491-43-S)

WHEREAS, Irving Adelsohn, for St. Clements Church in the City of New York, owner (Veg. Packaging Corporation, lessee), filed October 18, 1943, an application for variation of the labor law as cited in a decision of the borough superintendent; premises 108-112 West Third street, south side, 97 ft. west of Sullivan street (Block 540, Lot 17), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated October 11, 1943, re Alt. Applic. 899-43, reads:

"1 (b) Both stairs to terminate at roof. Sec. 270, Labor Law. Reconsideration denied.

(c) Stair egress through cellar passageway not definitely permitted by Sec. 270 Labor Law. Reconsideration denied.

(d) Egress from 1st story to be by means of doors, swinging outwardly. Sec. 270 Labor Law. Reconsideration denied.

(e) Doors to stairs to swing outwardly and not to obstruct landings as per sec. 270 L.L.

4. Vertical openings such as ramp and vent between stories, not permitted except if enclosed as required by Sec. 270 Paragraph 7 of the Labor Law. Reconsideration denied.

5. Submit separate cellar plan, and show exits on same (note obj. 1(c))."

and

WHEREAS, the applicant states the building is 2 stories, (32 ft.) in height, 78 ft. by 90 ft. 7 in., in area; Class 1 and 3 construction erected in 1916; located in an unrestricted use district; used as a garage for more than five motor vehicles; proposed to be occupied: cellar, boiler room; 1st floor, factory, vegetable packaging, 15 persons; 2nd floor, same, 20 persons, that the building is equipped with two 3 ft. 8 in. fireproof stairs, one of which extends to roof and directly to the street and the other to street by fireproof

basement passageway connecting at 1st floor to primary means of egress; and

WHEREAS, the applicant contends that the building is equipped with an 11 ft. wide ramp extending from rear of second floor to front of first floor, enclosed on first floor with fireproof construction and equipped with a fireproof door; that the ceiling of first floor is of reinforced concrete; that the roof girders are of reinforced concrete and the wood roof beams are covered with metal lath and portland cement; that although the exits do not conform fully to the Labor Law, they answer the spirit of the law; that the exits from second floor are remote and will furnish safe egress for the number of persons occupying the second floor; that the hazards from fire starting on 1st floor and spreading to second floor are remote, as the 2nd floor is of fireproof construction and windows thereon are accessible to Fire Department; that it is therefore requested that the exit facilities and exit doors and the enclosure of ramp and vent shaft as shown on N.B. Applic. 398-16 and on plans filed with this application, be accepted for a period of five years, to expire with the present lease.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the requirements of the labor law, as cited in the decision of the borough superintendent on Alt. Applic. 899-43 and that the application be and it hereby is *granted* as to Objections 1 and 4, *on condition* that the building shall not be increased in height or area; that the existing stairways may be accepted in view of the proposed occupancy of the second floor not exceeding fifteen persons; that the existing ramp may be continued, provided there is a fireproof self-closing door at the foot thereof and the ramp is enclosed with fireproof material from floor to ceiling on the first story; that the exit passage from the rear stairway, as indicated, shall be maintained, enclosed in approved fireproof material; that the existing 3 by 3 ft. vent shaft may be maintained, provided it is enclosed in masonry not less than 6 in. terra cotta blocks; that the main stairway shall be carried to the roof and at the rear stairway there shall be a double-rung iron ladder for access to roof through a scuttle, equipped with an easy-opening scuttle opener; that in all other respects, the building and occupancy shall comply with the labor law and all other laws, rules and regulations applicable thereto; that this variance may be continued for a term of five (5) years from the date of this resolution; and, as to Objection 5, that no cellar shall be constructed under the building other than as shown on plans filed with the department of Housing and Buildings under New Building 398-16 and that a cellar plan showing such conditions shall be filed with the borough superintendent, indicating exit passage and boiler room with access thereto only from the exterior.

841-42-A

APPLICANT—Columbia Broadcasting System, Inc., lessee.

SUBJECT—Application for consideration—reopening and amendment of resolution—re Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—49 East 52nd street, north side, 75 ft. east of Madison avenue (Block 1288, Lot 24), Borough of Manhattan.

APPEARANCES—

For Applicant: Roland J. Young.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

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THE RESOLUTION (841-42-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 49 East 52nd street, north side, 75 ft. east of Madison avenue (Block 1288, Lot 24), Borough of Manhattan, was granted by the Board on December 22, 1942, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals, does hereby *amend* its resolution adopted December 22, 1942, only so far as it has reference to the size of the vent line from the gasoline storage tank, so that as amended, the resolution shall read:

Resolved, that the decision of the borough superintendent on Misc. Applic. No. 1932-42, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* as to Objection 1, that the 550 gallon tank shall be of an approved type complying with all the requirements therefor, except that it may be installed substantially as indicated on plans filed with this appeal marked "Received December 22, 1942" and may be above the cellar floor level and shall be completely encased in 4-in. of concrete reinforced with 20 gauge wire cloth 2 in. by 2 in. mesh as proposed; *that the vent line shall be not less than 1 1/4 inches in diameter and shall terminate as shown at a point approximately 12 feet above the sidewalk but not nearer to any window opening than five feet*; that the supplementary tank shall not exceed 30 gallon capacity and may be located in the engine room, as shown at the rear, provided such engine room is separated from the balance of the building by fireproof construction; that the feed and return line may be installed as proposed, provided all joints are welded in accordance with the Welding Rules of the Board, including the connections to the tank and such pipe is protected at all joints through the basement by a wire screen protection guard; that the pump proposed near the storage tank shall be of an approved type and shall be interconnected with the main ventilating fan in the basement and also the ventilating fan in the engine room, so that such ventilating systems will be in operation at all times while the pump itself is in operation; that the ventilation of the engine room shall be as indicated, with an intake and exhaust located above the engine room in a separate compartment with the intake and exhaust from the open rear yard; as to Objection 5, that the manufacturer shall file with the Board an application for general approval for the use of the Fairbanks equipment as proposed, namely, Fairbanks, Morse Company Gasoline Engine Driven Generator Set, 80 K.W., operating with 3 Phase, 60 Cycle, 120-208 Volt A.C. current provided the requirements of this resolution are complied with in all other respects but such generator may be used in this instance; that in all other respects, the building and occupancy shall comply with all other laws, rules and regulations applicable thereto.

APPLIANCES SUBMITTED FOR APPROVAL

142-38-SA

APPLICANT—Red Comet, Incorporated, owner.

SUBJECT—Application for consideration as to dismissal—re Red Comet Automatic and Manual Fire Fighting Equipment—Approval of. (Reopened September 29, 1941; previously withdrawn.)

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (142-38-SA)

WHEREAS, Red Comet, Incorporated, owner, filed on March 7, 1938, an application with the Board of Standards and Appeals, for the approval of the appliance known as the Red Comet Automatic Fire Extinguisher; and

WHEREAS, this application was withdrawn on July 28, 1942; and

WHEREAS, the applicant requested a reopening of the case and restoration to the calendar; and

WHEREAS, this case was reopened by vote of the Board on September 29, 1942 and referred to the Committee on Tests of the Board for test and report; and

WHEREAS, the applicant failed to arrange for a test and inspection of this appliance, although duly notified to do so.

Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

176-43-SA

APPLICANT—Stempel Fire Extinguisher Manufacturing Co., owner.

SUBJECT—Miracle (Glass Grenade Type), Fire Extinguisher, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (176-43-SA)

WHEREAS, the Stempel Fire Extinguisher Manufacturing Co., owner, filed on April 16, 1943, an application with the Board of Standards and Appeals, for the approval of the appliance known as the Miracle (Glass Grenade Type) Fire Extinguisher; and

WHEREAS, the applicant failed to arrange for a test and inspection of this appliance, although duly notified to do so.

Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

566-42-SA

APPLICANT—Security Fire Door Company, owner.

SUBJECT—Security Fire Door Company, Type DL Interlock, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appliance approved in accordance with report of Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (566-42-SA)

WHEREAS, the Security Fire Door Company, owner, filed on July 15, 1942, an application with the Board of Standards and Appeals for approval of the appliance known as the Security Fire Door Company, Type DL Interlock; and

WHEREAS, this appliance was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

October 6, 1943.

Cal. 566-42-SA.

Subject: Security Fire Door Company's Type DL Interlock, Approval of.

The Security Fire Door Company of St. Louis, Mo., filed July 15, 1942, an application with the Board of

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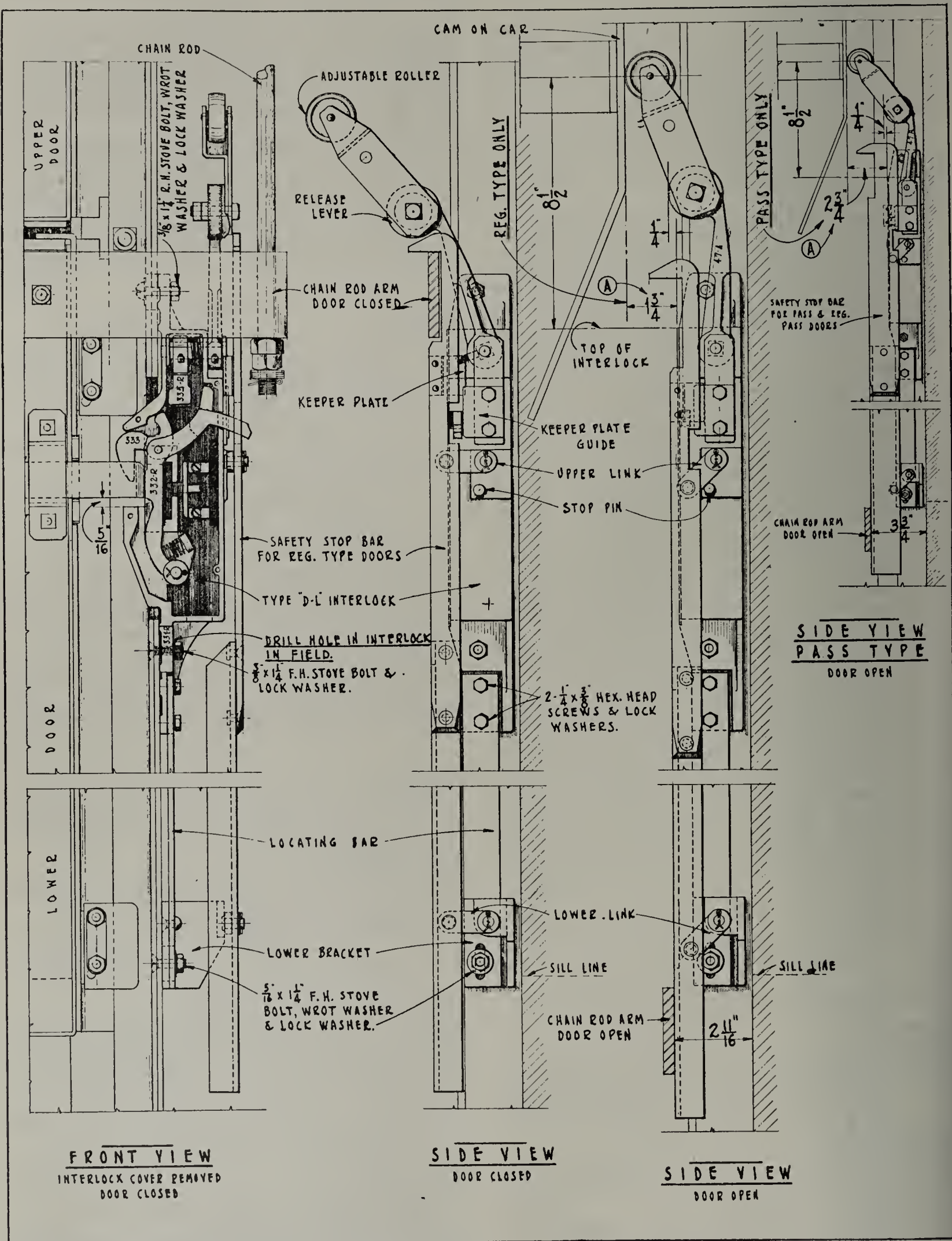


FIG 1.

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Standards and Appeals for approval of the Security Fire Door Company's Type DL Interlock under the provisions of C26-178.0 and C26-1179.0 Administrative Building Code.

Construction and Operation

The Type DL Interlock (Fig. 1) consists mainly of the cast iron case with suitable openings for conduit connections and hinged or pivoted contact level mounted on the inside of the case to which is fastened the contact bar assembly on the one side and the contact lever hook on the other side.

An insulating block with two contact posts is fastened on the inside of the case. This interlock is fastened to the one guide rail or vertical sliding door and is so set that as the door is moved to the closed position, the hooked or bent end of the door latch bar engages the contact lever, moving this lever to the closed position so that the contact bar engages the contact posts closing the interlock circuit.

As the latch bar engages the contact lever and closes it, the latch bar enters the side of the interlock case which acts as a latch catch so that while this latch bar thus engages the case, the door is held in the locked position. The locking of the door takes place before the latch bar has moved the contact lever far enough to cause the contact bar to close the interlock circuit. It is to be noted that the hooked or bent end of the latch bar engages the contact lever hook as the latch bar starts to move the contact lever and as the latch enters the interlock case. As the latch bar is retracted to unlock the door, the hooked end of the latch bar, which has engaged the contact lever hook, definitely forces the contact lever to move with the latch bar, breaking the contact in the interlock circuit first and as the latch bar continues to move away from the interlock, it is disengaged from the interlock case so that the door is unlocked.

When the door is locked and contact is made, the moving of the elevator away from the floor causes the cam on the elevator to disengage the release lever of the interlock and as this release lever moves forward, the dog attached to the release lever shaft, moves back towards the back of the interlock case to the position where it engages or blocks the end of the contact lever.

The purpose of this is to latch the interlock and thereby also prevent the opening of the door latch as long as the interlock is latched.

As the car reaches a floor, the cam on the car comes in contact with the release lever and unlatches the interlock, thus permitting the unlocking of the door. To do this, the latch is disengaged from the interlock, the contact or interlock circuit being opened before the door is actually unlocked.

The interlock is provided with a safety stop bar which is hung on the side of the interlock case and is connected to the case by means of a hinged link. This safety stop bar is so set that when the door and interlock are open, this bar is in a retracted position and covers an opening in the side of the interlock case through which an extension of the contact lever passes when lever is operated to close interlock circuit. As long as this safety stop bar is in the retracted position, the extension of the contact lever cannot be moved through the side of the case and this blocks it in the open position.

Only when the door is closed and the chain rod arm of the door moves to the full closed position is the safety stop bar moved upward and forward, clearing the opening in the side of the interlock case through which the contact lever extension may pass.

Thus only after the door is closed can the latch bar move the contact lever to the point where contact is closed in the interlock.

TESTS

Tests on the DL Interlock were made at the Underwriters Laboratories, Safety Appliance Report No. 418, dated March 22, 1943, filed with this application. Tests on the interlock having a rating of 280 volts were performed in accordance with the requirements provided under C26-1179.0, Administrative Building Code as follows:

Endurance Test
Current Interrupting Test
Test in Moist Atmosphere
Test Without Lubricant
Misalignment Test
Insulation Test
Force and Movement Test

The manufacturer has also furnished a statement in accordance with C26-1179.0.a, wherein he certifies that the coefficient of thermal expansion of the part comprising the interlock with friction at temperature from 25 deg. to 140 deg. F.

RECOMMENDATION

On the basis of the foregoing data, the Committee on Tests recommends the approval of the DL Interlock (Fig. 1) manufactured by the Security Fire Door Company under C26-191.0 as meeting the requirements of C26-1179.0 for use under Article 14 entitled "Elevators" Administrative Building Code, provided the interlock is manufactured as described herein and that each device shall bear a tag, or label or decalcomania reading as follows: "Approved by the Board of Standards and Appeals for use in New York City under Cal. 566-42-SA."

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this appliance.

Resolved, that the Board of Standards and Appeals does hereby approve the appliance known as the Security Fire Door Company, Type DL Interlock, on condition that the appliance be manufactured, installed, and labelled, stamped or tagged in accordance with the above report.

567-42-SA

APPLICANT—Security Fire Door Company, owner.

SUBJECT—Security Fire Door Company, Type C, Contact, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appliance approved in accordance with report of Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (567-42-SA)

WHEREAS, the Security Fire Door Company, owner, filed on July 15, 1942, an application with the Board of Standards and Appeals for approval of the appliance known as the Security Fire Door Company, Type C, Contact; and

WHEREAS, this appliance was submitted to the Committee on Tests of the Board for test and report; and

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WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

October 6, 1943.

Re : 567-42-SA

Subject: Security Fire Door Company, Type C Contact,
Approval of

The Security Fire Door Co. of St. Louis, Mo., filed July 15, 1942, an application with the Board of Standards and Appeals under the requirements of C26-178.Ob C26-1729.0) for approval of the appliance known as

the Security Fire Door Company's Type C Contact under the provisions of Art. 14 of the Administrative Building Code.

Construction and Operation

The Type C contact (Fig. 1) is an electro mechanical contact consisting of an enclosing case (switch box), a movable contact arm carrying a contact bar and two stationary contacts mounted on an insulated base. This switch is usually mounted on the door guides at one side of the opening and the door arm or a cam attached to the door section engages the contact lever when

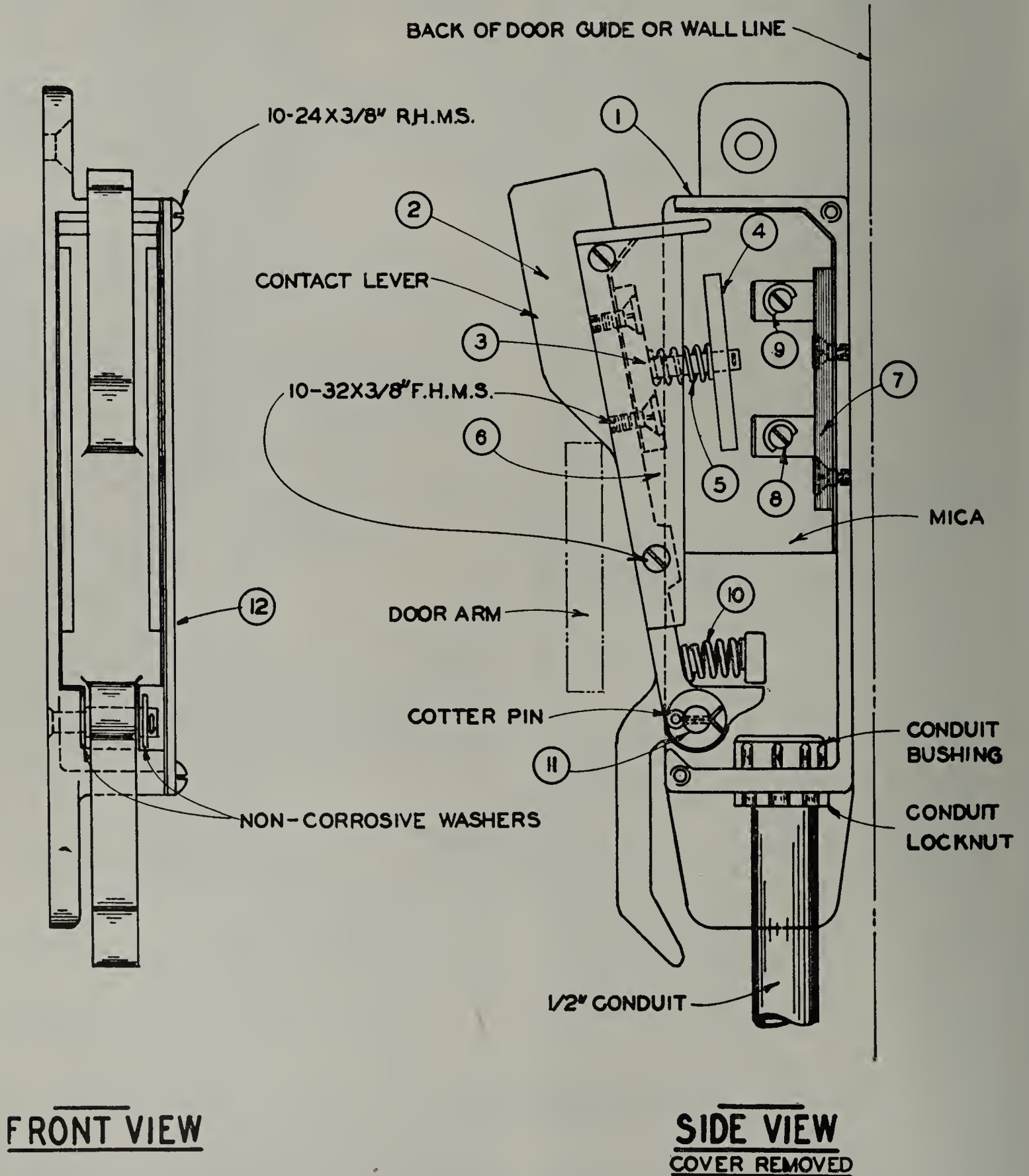


FIG 1.

MINUTES

the door is closed, moving the contact lever to the closed position, thereby closing the contact and completing the circuit to the elevator control.

TESTS

Tests on the Type C contact were made at the Underwriters Laboratories Report Safety Appliance No. 418, dated March 22, 1943, filed with the application. Tests on the Type C contact having a rating of 250 volts were performed in accordance with the requirements provided under C26-179.0 of the Administrative Building Code as follows:

- Endurance Test
- Current Interrupting Test
- Test on Moist Atmosphere
- Test without lubricant
- Misalignment Test
- Insulation Test
- Force and Movement Test

The manufacturer has also furnished a statement in accordance with C26-1179.0a wherein he certifies that the coefficient of thermal expansion of the parts comprising the interlock with function at temperatures from 25 deg. to 140 deg.

RECOMMENDATION

On the basis of the foregoing data the Committee on Tests recommends the approval of the Type C Contact (Fig. 1) manufactured by the Security Fire Door Company under C26-191.0 as meeting the requirements of C26-1179.0 for use under Art. 14 entitled "Elevators" Administrative Building Code, provided the contact is manufactured as described herein and that each device shall bear a tag, label or decalomania, reading as follows: "Approved by the Board of Standards and Appeals for use in New York City under Cal. 567-42-SA."

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this appliance.

Resolved, that the Board of Standards and Appeals does hereby *approve* the appliance known as the Security Fire Door Company, Type C, Contact, *on condition* that the appliance be manufactured, installed, and labelled, stamped or tagged in accordance with the above report.

569-42-SA

APPLICANT—Security Fire Door Company, owner.

SUBJECT—Security Fire Door Company, Type D, Interlock, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appliance approved in accordance with report of Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Gunn.. 4

Negative 0

THE RESOLUTION (569-42-SA)

WHEREAS, the Security Fire Door Company, owner, filed on July 15, 1942, an application with the Board of Standards and Appeals for approval of the appliance known as

the Security Fire Door Company, Type D, Interlock; and WHEREAS, this appliance was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

Cal. 569-42-SA.

October 6, 1943.

Subject: Security Fire Door Company's

Type D Interlock, Approval of.

The Security Fire Door Company of St. Louis, Mo., filed July 15, 1942, an application with the Board of Standards and Appeals for approval of the Security Fire Door Company's Type D Interlock under the provisions of C26-178.0 and C26-1179.0 Administrative Building Code.

Construction and Operation

The Type D Interlock (Fig. 1) consists mainly of the cast iron case with suitable openings for conduit connections and hinged or pivoted contact level mounted on the inside of the case to which is fastened the contact bar assembly on the one side and the contact lever hook on the other side.

An insulating block with two contact posts is fastened on the inside of the case. This interlock is fastened to the one guide rail or vertical sliding door and is so set that as the door is moved to the closed position, the hooked or bent end of the door latch bar engages the contact lever, moving this lever to the closed position so that the contact bar engages the contact posts closing the interlock circuit.

As the latch bar engages the contact lever and closes it, the latch bar enters the side of the interlock case which acts as a latch catch so that while this latch bar thus engages the case, the door is held in the locked position. The locking of the door takes place before the latch bar has moved the contact lever far enough to cause the contact bar to close the interlock circuit. It is to be noted that the hooked or bent end of the latch bar engages the contact lever hook as the latch bar starts to move the contact lever and as the latch enters the interlock case. As the latch bar is retracted to unlock the door, the hooked end of the latch bar, which has engaged the contact lever hook, definitely forces the contact lever to move with the latch bar, breaking the contact in the interlock circuit first and as the latch bar continues to move away from the interlock, it is disengaged from the interlock case so that the door is unlocked.

When the door is locked and contact is made, the moving of the elevator away from the floor causes the cam on the elevator to disengage the release lever of the interlock and as this release lever moves forward, the dog attached to the release lever shaft, moves back towards the back of the interlock case to the position where it engages or blocks the end of the contact lever.

The purpose of this is to latch the interlock and thereby also prevent the opening of the door latch as long as the interlock is latched.

As the car reaches a floor, the cam on the car comes in contact with the release lever and unlatches the interlock, thus permitting the unlocking of the door. To do this, the latch is disengaged from the interlock, the contact or interlock circuit being opened before door is actually unlocked.

The interlock is provided with a safety stop bar which is hung on the side of the interlock case and is connected to the case by means of a hinged link. This safety stop bar is so set that when the door and interlock are open, this bar is in a retracted position and covers and opening in the side of the interlock case through which an extension of the contact lever passes when lever is operated to close interlock circuit. As long as this safety stop bar is in the retracted

MINUTES

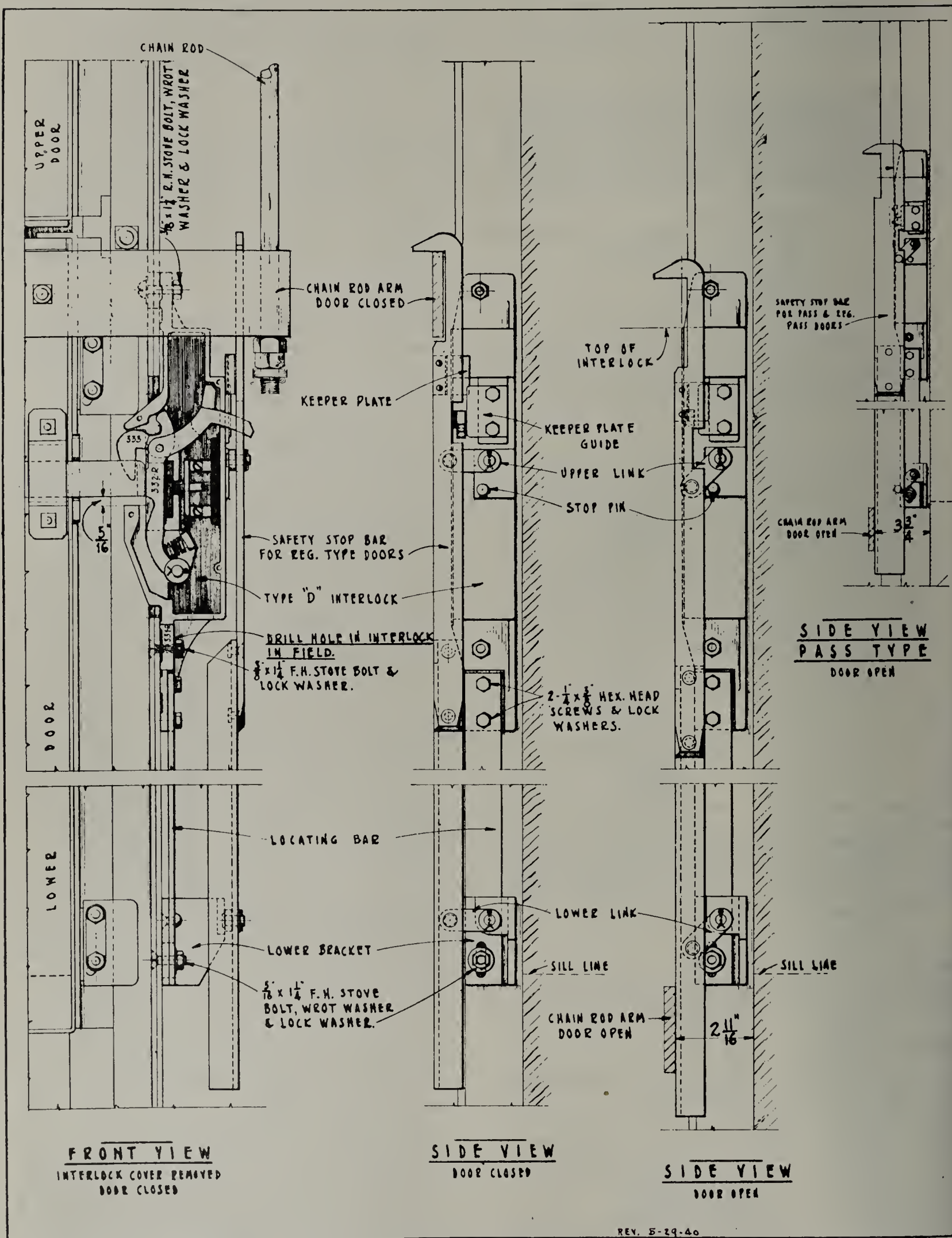


FIG 1

MINUTES

position, the extension of the contact lever cannot be moved through the side of the case and this blocks it in the open position.

Only when the door is closed and the chain rod arm of the door moves to the full closed position is the safety stop bar moved upward and forward, clearing the opening in the side of the interlock case through which the contact lever extension may pass.

Thus only after the door is closed can the latch bar move the contact lever to the point where contact is closed in the interlock.

TESTS

Tests on the D Interlock were made at the Underwriters Laboratories, Safety Appliance Report No. 418, dated March 22, 1943, filed with this application. Tests on the interlock having a rating of 280 volts were performed in accordance with the requirements provided under C26-1179.0, Administrative Building Code as follows:

- Endurance Test
- Current Interrupting Test
- Test in Moist Atmosphere
- Test Without Lubricant
- Misalignment Test
- Insulation Test
- Force and Movement Test

The manufacturer has also furnished a statement in accordance with C26-1179.0.a, wherein he certifies that the coefficient of thermal expansion of the part comprising the interlock with friction at temperature from 25 deg. to 140 deg. F.

RECOMMENDATIONS

On the basis of the foregoing data, the Committee on Tests recommends the approval of the D Interlock (Fig. 1) manufactured by the Security Fire Door Company under C26-191.0 as meeting the requirements of C26-1179.0 for use under Article 14 entitled "Elevators" Administrative Building Code, provided the interlock is manufactured as described herein and that each device shall bear a tag, or label or decalcomania reading as follows: "Approved by the Board of Standards and Appeals for use in New York City under Cal. 589-42-SA."

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this appliance.

Resolved, that the Board of Standards and Appeals does hereby *approve* the appliance known as the Security Fire Door Company, Type D, Interlock, *on condition* that the appliance be manufactured, installed, and labelled, stamped or tagged in accordance with the above report.

391-43-SA

APPLICANT—American Gas Furnace Co., owner.

SUBJECT—American Gas Furnace Co. Oxygen Gas Fish-tail Burners, Needle or Sharp Flame Burners, Blowpipes and Accessories, approval of.

APPEARANCES—

For Applicant: Fred C. Schaefer.

ACTION OF BOARD—Appliance approved in accordance with report of Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn.. 4
Negative 0

THE RESOLUTION (391-43-SA)

WHEREAS, the American Gas Furnace Company, owner, filed on August 7, 1943, an application with the Board of Standards and Appeals for approval of the appliance known as the American Gas Furnace Co. Oxygen Gas Fishtail Burners, Needle or Sharp Flame Burners, Blowpipes and Accessories; and

WHEREAS, this appliance was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

October 6, 1943.

Re: Cal. 391-43-SA.

Subject: American Gas Furnace Co. Oxygen Gas Fish-tail Burners, Needle or Sharp Flame Burners, Blowpipes and Accessories, Approval of.

The American Gas Furnace Company of Elizabeth, N. J., filed August 7, 1943, an application with the Board of Standards and Appeals for approval of the above devices under the provisions of Section C19-93.0.a Administrative Code.

Construction and Operation

The burners are designed for use in working of pyrex glass and are for use with illuminating gas and oxygen. The normal method of operation comprises the use of oxygen at five (5) to ten 100 pounds per square inch pressure which is introduced through the nozzle of a venturi mixer creating a partial vacuum as it passes through the venturi throat to entrain gas. The ratio of gas and oxygen is adjusted by means of valves. The mixture from the venturi meter first passes through a fire check consisting of a metal case containing a series of coils of corrugated heat-resisting alloy metals which form a fire screen preventing flash back of the flame, then through fittings to the burner tip. A rubber hose is used between the fire check and the burner tip as an additional safety feature.

The Needle or Sharp Flame gas burner top has a center hole, the size depending upon the flame and the amount of heat required and in addition the casing of the center nozzle is fluted on its large diameter or the hole in the casing is broached for combustion of a small percentage of the oxygen gas mixture at low pressure so as to retain the flame on the burner tip. This mixture is supplied through small feeder holes leading into the chamber immediately back of the pilot ports. The low velocity pilot flame supports the flame of the high velocity center stream.

The Fish Tail burners operate on exactly the same principle as the single hole sharp flame burners, except that there is a number of holes in line drilled parallel or flaring according to the nature of the requirement. The flame from these center holes is supported by the outer pilot flame. The insert for oxygen gas burner holders is used in castings of suitable design on lamp machines. The principle is the same as the burners previously described.

The combustion air-gas-oxygen venturi mixer with needle valves operates on the same principle as the oxygen gas venturi but compound injection is provided so that gas at normal pressure air at one to two pounds per sq. in. pressure, and oxygen at five to ten pounds per sq. in. can be used.

The oxy-hydrogen burner is designed for nozzle mixing due to the high rate of flame propagation. The

MINUTES

feeding is to the end of the burner before mixing takes place. There is consequently no possibility of oxygen backing up into the hydrogen line or vice versa and therefore no explosion hazard.

TESTS

These appliances were inspected and tested by the Committee on Tests of the Board and the representatives of the Division of Combustibles of the Fire Department at the plant of the American Gas Furnace Co., Elizabeth, N. J. on September 22, 1943. The appliances were subjected to flashback tests without any flashbacks occurring. There was no evidence of weakness in any of the component parts or of any leakage of gases.

RECOMMENDATION

On the basis of this inspection and test the Committee on Tests recommended that the American Gas Furnace Co.'s Needle or Sharp Flame Burner, the Fishtail Burner, combination air-gas and oxygen blowpipe, and the accessories known as insert for burner holder and coils of corrugation (Fire Check), be approved for use in New York City under the provisions of C19-93.0 Administrative Code when manufactured, installed and used in accordance with this report and with the provisions of C19-93.0 of the Administrative Code, provided each appliance bears a label or stamp, reading "Approved BSA-NYC, Cal. 391-43-SA."

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this appliance.

Resolved, that the Board of Standards and Appeals does hereby *approve* the appliance known as the American Gas Furnace Co. Oxygen Gas Fishtail Burners, Needle or Sharp Flame Burners, Blowpipes and Accessories, *on condition* that the appliance be manufactured, installed, and labelled, stamped or tagged in accordance with the above report.

484-37-SA

APPLICANT—Louis Zasloff, for Union Stop-Fire Corporation, present owner (Empyre Fire Equipment Mfg. Co., previous owner).

SUBJECT—Application for consideration—reopening and amendment of resolution as to new ownership—re Stop-Fire Extinguisher, Models MC, C, X and 2X, previously approved.

APPEARANCES—

For Applicant: Louis Zasloff and John Quinn.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (484-37-SA)

WHEREAS, the Empyre Fire Equipment Mfg. Co., owner, filed October 13, 1937, an application with the Board of Standards and Appeals for approval of the appliance known as the Stop-Fire Fire Extinguisher Types MC and C; and

WHEREAS, this appliance was approved by the Board February 15, 1938, in accordance with the report of engineer and the resolution was amended February 21, 1939 to also permit marketing of the appliance as Model X; and

WHEREAS, the resolution was further amended on July 15, 1941, approving Model 2X; and

WHEREAS, the applicant requested a further amendment of the resolution, relative to the change in ownership of the appliance; and

WHEREAS, all the assets of the Empyre Fire Equipment Manufacturing Company have been purchased by the Union Stop-Fire Corporation, as set forth in an affidavit of the new owner, filed October 21, 1943, and request is made that the record of approval of this device be transferred to the new owners.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted February 15, 1938, as amended by resolutions adopted through July 15, 1941, by adding thereto:

"that in the event the assets of this company are sold to the Union Stop-Fire Corporation, the approval of this device shall be deemed to be transferred to the new owner."

Adjourned: 3:20 P.M.

JOSEPH J. DOYLE, Chief Clerk.

NOTICE

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the Board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication in this BULLETIN of the calendars of the Board, each case being set down by Calendar Number and the premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the

offices of the Board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the Board is to dispose of all cases promptly; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

NEW LOCAL LAW

No. 29

A LOCAL LAW

TO AMEND THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, IN RELATION TO PLACES OF ASSEMBLY, GENERALLY.

Be it enacted by the Council as follows:

Section 1. Section C26-116.0 of the administrative code of the city of New York is hereby repealed and re-enacted to read as follows:

§ C26-116.0 **Place of assembly.**—The term “place of assembly” shall mean a room or space which is occupied by seventy-five or more persons and which is used for educational, recreational or amusement purposes and shall include assembly halls in school structures; dance halls; cabarets; night clubs; restaurants; any room or space used for public or private banquets, feasts, socials, card parties or weddings; lodge and meeting halls or rooms; skating rinks; gymnasiums; swimming pools; billiard, bowling, and table tennis rooms; halls or rooms used for public or private catering purposes; funeral parlors; markets; recreation rooms; concert halls; broadcast studios; school and college auditoriums; and all other places of similar type of occupancy. Nothing in this section shall be construed to apply to instruction rooms, libraries, lecture rooms, recreation rooms, lunchrooms or classrooms in elementary or high schools, as defined in section C26-132.0 of this code, or in colleges which are licensed to operate by the state board of regents, when such rooms are used solely and exclusively by the students of such schools or colleges.

The term “licensed place of public assembly” as used in this article shall mean any room or space which is used or occupied as a “place of assembly” as defined in this section, when the lawful use, occupancy or operation of such place is contingent upon the issuance of a license by the fire department, the police department or the department of licenses.

Whenever the words “place of assembly” are used in this chapter, such words shall be construed as if followed by the words “or any room or space which is occupied for or is intended, arranged, or designed to be occupied for such use.”

Nothing in this section shall be construed to apply to any room or space used exclusively for dwelling purposes in a private dwelling as defined in section C26-122.0 of this code or used exclusively for dwelling purposes as defined in subdivision one of section four of the multiple dwelling law, nor shall this section be applicable to places of incarceration, an asylum, a convent, a monastery, a church, a synagogue, or a theatre, motion picture theatre, opera house or concert hall subject to and complying with the provisions of article thirteen of this code and which are required to obtain a license as a “licensed place of public assembly.”

§ 2. Such code is hereby amended by adding thereto a new section, to follow section C19-165.1, to be section C19-165.2, to read as follows:

§ C19-165.2. **Smoking prohibited in retail stores.**—It shall be unlawful for any person to smoke or carry a lighted cigar, cigarette, pipe or match or use any spark, flame or fire-producing device which has not been authorized for use by the commissioner in any existing or newly created retail store which is designed and arranged to accommodate more than three hundred persons, or in which more than twenty-five persons are employed. Designated smoking and rest rooms, restaurants, executive offices and beauty parlors in such retail stores shall be exempted from this prohibition. Any person who shall violate, or refuse, or neglect to comply with any provision of this section shall, upon conviction thereof, be punished by a fine of not less than ten dollars and not more than one hundred dollars, or by imprisonment not exceeding thirty days, or by both.

§ 3. Title C of chapter twenty-six of such code is hereby amended by adding thereto a new article, to follow article seventeen, to be article eighteen, to read as follows:

ARTICLE 18

Places of assembly

SUB-ARTICLE 1

General provisions governing places of assembly

§ C26-1437.0 **Application.**—Except as otherwise provided in the administrative code of the city of New York, the provisions of this article shall apply to any new room, space or portion of a premises, or to any room, space or portion of a premises existing as or hereafter altered or converted to use or occupancy as a “place of assembly.”

§ C26-1438.0 **Egress.**—a. The means of egress in such places of assembly shall be in conformity with the provisions of this chapter relating to buildings of like classification, area, height, use and occupancy, except, however, that in all cabarets as defined in paragraph three of subdivision a of section 436-1.0 of this code the greatest distance of travel from any portion of such cabaret to a required means of egress shall not exceed seventy-five feet.

b. In all places of assembly there shall be aisles providing proper access to all required means of egress. Such required aisles shall not be obstructed in any manner whatsoever and shall be not less than three feet in width.

c. No required means of egress in a place of assembly hereafter created shall be permitted through any room or space used as a kitchen or service pantry or for the preparation of food. In an existing “place of assembly” an existing means of egress through a room or space used as a kitchen or service pantry or for the preparation of food may be accepted by the department under such conditions as may be prescribed and approved by the department.

d. The provisions of subdivision a of this section limiting to seventy-five feet the greatest distance of travel from any portion of any room or premises used as a cabaret to a required means of egress shall not apply to existing legal cabarets as defined in paragraph three of subdivision a of section 436-1.0 of this code, provided, however, that the means of egress from such cabaret is in conformity with the provisions of this chapter relating to buildings of like classification, area, height, use and occupancy.

e. The owner of each place of assembly shall submit to the department a diagram indicating the arrangement of tables, chairs, seats, dancing space, platforms, aisles and means of egress. Diagrams which have been approved by the department shall be kept on the premises for which the approval has been granted and shall be readily available for inspection. Such diagrams shall be filed with the department within sixty days after the date when this article becomes effective.

No place of assembly shall be occupied until a diagram indicating the basic arrangement of aisles has been approved by the department, and the use of any arrangement not approved by the department is prohibited.

f. The provisions of paragraph e of this section relating to the submission and approval of diagrams shall not apply to assembly rooms or auditoriums in elementary or high schools as defined in section C26-132.0 of this code or in colleges which are licensed to operate by the state board of regents; provided, however, that seats in such assembly rooms or auditoriums are stationary.

NEW LOCAL LAW

§ C26-1439.0 **Number of persons, limited.**—The number of persons permitted to occupy a place of assembly shall be as approved by the department of housing and buildings and shall be in conformity with the provisions of this chapter relating to buildings of like classification, area, height, use and occupancy.

§ C26-1440.0 **Capacity of premises to be posted conspicuously.**—a. In every room or in any portion of a premises or building which is used as a place of assembly there shall be conspicuously posted signs indicating the number of persons who may legally occupy said room or space. Such signs shall read as follows:

OCCUPANCY
BY MORE THAN
..... PERSONS IS
DANGEROUS
& UNLAWFUL

..... Commissioner,

Department of Housing and Buildings, City of New York.

b. Such signs shall be twenty inches in width by twenty-four inches in length. The lettering thereon indicating the lawful occupancy shall be of bold gothic type in red on a background of white, shall be not less than two inches in height and the numerals shall be two and three-eighths inches in height, and such lettering and numerals shall be properly spaced to provide good visibility.

c. Such signs shall be illuminated, shall be durable, and shall be substantially secured to wall or partition.

d. Such sign shall be located at the main entrance to such space or room so as to be conspicuously visible to a person entering such space or room.

§ C26-1441.0 **Lighting systems.**—During all periods when a place of assembly is occupied such place shall be illuminated by sufficient natural or artificial light to permit a person to read in every portion thereof nine-point print of the kind generally used in the average daily newspaper. Dance halls when in use, shall be so illuminated that every person present may be plainly seen from any point in the hall. When required, artificial light shall be provided through electrical circuits and shall be maintained in continuous operation.

§ C26-1442.0 **Exit signs.**—a. In every such place of assembly the required means of egress shall be indicated by signs reading "EXIT". Letters on such signs shall be eight inches in height and such letters shall be properly spaced so as to be easily read at a distance of seventy-five feet.

b. Each such exit sign shall be illuminated by a red light of not less than twenty-five watts or equivalent photometric rating.

c. In any such place of assembly where doors, openings or passageways providing access to required means of egress are not visible from all portions of such room or premises, illuminated directional signs shall be installed in conspicuous locations in such room or premises, indicating the direction of travel to the required means of egress.

d. Such directional signs shall be of the same dimensions as specified in this section for exit signs.

e. It shall be unlawful to obscure in any manner any required means of egress, passageway, exit sign, exit light or directional exit sign.

§ C26-1443.0 **Independent circuit for illuminated exit lights and directional signs in "licensed places of public assembly."**—Notwithstanding any other provision contained in this chapter, the illumination of all exit lights and directional signs required under the provisions of this article in all "licensed places of public assembly" which have been approved by the department charged with the enforcement

of this chapter for occupancy by more than two hundred and fifty persons shall be provided through circuits separated from the general lighting and power circuits. Such installations shall be in conformity with the provisions of title B of chapter thirty of this code.

§ C26-1444.0 **Safety.**—a. The superintendent, in his discretion, may require that any opening from a space used as a kitchen or service pantry or for the preparation of food in a place of assembly be protected with a self-closing door or other device when in his opinion such protection is necessary for the safety of the occupants and to prevent the spread of fire. Any door installed for such purpose may be provided with a vision panel of clear wire glass or of plate glass not less than one-quarter of an inch in thickness.

b. In all places of assembly in which food is cooked or prepared for service in such place, the hoods over ranges and the flues for such ranges shall be thoroughly cleaned at least twice each year. A record indicating the person or firm which completed such cleaning process and the date when such flues were cleaned shall be kept on the premises and shall be available for examination.

§ C26-1445.0 **Dressing rooms.**—a. In places of assembly in which dressing rooms are provided for performers, such dressing rooms shall be equipped with sprinklers as prescribed by the superintendent. Water supply for such sprinklers may be taken from the domestic water service of the building.

The provisions of this subdivision shall not apply to guest rooms in hotels when such guest rooms used for the accommodation of performers are separate and remote from that part of the premises used as a place of assembly.

b. All dressing rooms used by performers shall be provided with adequate means of egress as prescribed by the superintendent.

§ 26-1446.0 **Revolving doors prohibited.**—a. No class B revolving door shall be permitted in any place of assembly.

b. It shall be unlawful to install a revolving door or continue the use of an existing revolving door in any exit opening from a place of assembly, except that:

1. A supplemental revolving door may be installed or maintained immediately adjacent to a required exit.

2. Where the occupancy is less than one hundred and fifty persons one of the required exits may be through a revolving door provided there is immediately adjacent thereto an outwardly swinging door of at least twenty-eight inches in width and provided further that there is another required exit from such place of assembly.

c. The provisions of this section shall not apply to street exit doors in class 1, class 2 or class 3 structures where there intervenes, between the place of assembly and said exit doors, areas of safety into which exits of the place of assembly discharge. Said areas shall be public stairhalls, exit corridors or similar protected areas adequate, under the provisions of article seven of this code, for the accommodation of all the occupants of the building including those of such place of assembly.

d. All type A revolving doors shall be cleaned, lubricated, and maintained in proper working order. Tests shall be made each month so that in the event of an emergency such doors may fold back in conformity with the provisions of section C26-287.0 of this code.

A record, indicating the name of the person or firm which made such tests and the date on which such tests were conducted, shall be kept on the premises and shall be available for inspection.

During the period of World War No. 2 and one year thereafter, nothing contained in this section shall be construed to preclude the use of revolving doors in places of assembly other than cabarets or dance halls if such revolving doors legally existed therein on January first, nineteen hundred forty-three, provided, however, that adjacent to such revolving doors there are required means of egress equipped

NEW LOCAL LAW

with outwardly swinging doors and further provided that in the opinion of the superintendent no undue hazard will result therefrom.

§ C26-1447.0 **Approval required, permits, fees.**—a. It shall be unlawful to use or occupy any building or portion of a building or premises as a place of assembly unless an application for such use or occupancy has been filed with and approved by the department.

b. Application forms and permits required under this section shall be provided by the department.

c. The permit issued by the department for such place of assembly shall be kept readily accessible in all such places of assembly.

d. An annual fee of five dollars shall be paid to the department upon the issuance of the required permit for a place of assembly.

e. The provisions of this section relating to the payment of a fee shall not apply to any place of assembly occupied exclusively by a religious, charitable or educational organization no part of the net earnings of which inures to the benefit of any private shareholder or individual, or to any place of assembly for which a fee is collected by any other department of the city, for similar use and occupancy.

f. The issuance of a permit by the department under this article shall be contingent on the approval of the fire commissioner and of the department of water supply, gas and electricity, and, if a license is required under the provisions of section 436-1.0 of this code, the applicant shall also obtain the approval of the police commissioner.

g. A permit issued under the provisions of this article shall not affect application of the provisions of paragraph b of subdivision one of section 487a-1.0 of this code.

§ C26-1448.0 **Date effective.**—a. The provisions of section C26-1437.0 of this article shall become effective immediately.

b. Except as otherwise specifically provided in this article, such changes as may be required under the provisions of sections C26-1438.0, C26-1439.0, C26-1440.0, C26-1441.0, C26-1442.0, C26-1444.0, C26-1446.0 and C26-1447.0 of this article shall be completed within sixty days from the date on which this article becomes effective.

c. Such changes as may be required under the provisions of sections C26-1443.0 and C26-1445.0 of this article shall be completed within six months from the effective date of this article.

§ C26-1449.0 **Violations, penalties.**—In addition to any other penalty prescribed by this code, any person who shall violate any provision of this article, upon conviction thereof, shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment not exceeding ten days, or by both. Upon a second conviction of such violation the commissioner shall have discretionary power to revoke or suspend any permit issued by the department under the provisions of this article.

If any place of assembly is used or occupied in violation of any provision of this article, whether or not there has been a conviction of any person for such violation, the commissioner may serve notice upon the person charged with having violated such provision, requiring such person to comply with the provisions of this article within ten days after the service of such notice, and if such person fails to comply within said period, the commissioner may serve notice upon such person that a hearing will be held by the said commissioner at a time and place to be fixed in said notice to determine whether or not such violation existed or still exists, and if, after such hearing, at which the person charged with such violation shall be given an opportunity to be heard and present proof, the commissioner determines that such violation continues to exist, he may suspend any permit issued by the department of housing and buildings under the provisions of this article for a period of time not

exceeding three months, and during such suspension it shall be unlawful to use or occupy such portion of the premises as a place of assembly.

§ 4. Section C19-161.1 of such code as added by local law one hundred and twelve of nineteen hundred thirty-nine is hereby amended to read as follows:

§ C19-161.1 **Flame-proofing of decorations, drapes, curtains and scenery.**—It shall be unlawful for any person to use any decoration, drape, curtain and scenery used for artistic enhancement, which is made of combustible material, unless painted or saturated with a non-combustible material or liquid or otherwise rendered safe against fire in accordance with the requirements of the commissioner, in any building of a public character, including a hotel, theatre, restaurant, public hall, department store, and a building used or intended to be used for purposes of public assembly, or licensed places of public assembly, amusement or instruction, and a building where large numbers of persons congregate. The liquids, materials or compounds, as required under the provisions of this section, and their method of application, shall be approved by the board of standards and appeals. Tests for each specific application of originally treated combustible material, or any retests thereof, and the testing of all flame-proofed products, permitted, pursuant to the provisions of this section, shall be as prescribed by, and in accordance with the requirements of the commissioner. Nothing in this section shall permit the use of any wall or ceiling covering or decoration, having an acetate cellulose or nitrate cellulose content, or incapable of being adequately flame-proofed. Nothing in this section shall be construed to apply to merchandise for sale or displayed for sale, or displayed at a business show; to guest rooms in hotels; to offices; to works of art in museums; nor to churches or to places of religious worship.

Nothing in this section shall prohibit the use of cut flowers, fresh cut decorative greens, or natural trees, plants, shrubs or grass, for artistic enhancement or decorative purposes, provided such trees, plants, shrubs or grass, are in soil and are maintained in a healthy condition. Nothing in this paragraph shall permit the use of hemlock, balsam, spanish moss, or other decorative greens, which contain pitch. It shall be unlawful to hang or otherwise maintain fresh cut decorative greens in a place of assembly or licensed places of public assembly upon a combustible framework or base, or by means of a combustible material, or to permit any fresh cut decorative greens to be hung, or maintained, for a period in excess of twenty-four hours.

§ 5. Paragraph three of subdivision a of section 436-1.0 of such code is hereby amended to read as follows:

3. The word "cabaret" shall mean any room, place or space in the city in which any musical entertainment, singing, dancing or other similar amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink. It shall also include any room or space which is used in the catering business and in which any musical entertainment, singing, dancing or other entertainment is permitted.

§ 6. Paragraph one of subdivision d of section 436-1.0 of such code as last amended by local law twenty-five of nineteen hundred thirty-eight is hereby amended to read as follows:

1. The license herein prescribed shall be issued by the commissioner. Application for such license shall be made on a form containing such information as may be determined by the commissioner, and shall be sworn to by the applicant. The fee for each such license shall be one hundred fifty dollars for each year or fraction thereof, provided, however, that a summer seasonal license may be issued for the period commencing on the thirtieth day of May and ending on the thirtieth day of September for which the fee shall be seventy-five dollars.

NEW LOCAL LAW

If additional rooms are to be used independently by the same applicant in the same premises as a dance hall or cabaret, the applicant shall indicate on the application the location of each and every room or space which is to be used for such purpose. In such case a separate license shall be required for each such additional independent room or space, and the fee for each independent additional room or space shall be five dollars.

§ 7. Paragraph two of subdivision d of section 436-1.0 of such code is hereby amended as follows:

2. A steamship or boat moored or tied to a dock, pier or shore, and which contains a dance hall or cabaret in use while so moored or tied, shall be required to obtain such license.

§ 8. Paragraph five of subdivision d of section 436-1.0 of such code is hereby amended to read as follows:

5. A license hereunder shall issue only if the place for which it is issued complies with all laws and with the rules and regulations of the department of housing and buildings, the police department, the fire department, the department of health and the department of water supply, gas and electricity, and, in the opinion of the police commissioner, is a safe and proper place to be used as a public dance hall or a cabaret.

§ 9. Subdivision f of section 436-1.0 of such code is hereby amended to read as follows:

f. Suspension and revocation of license. A license may be suspended or revoked by the commissioner for any violation of law or upon the ground that disorderly, obscene or immoral conduct is permitted on the licensed premises. In addition to other penalties provided by law, if any cabaret or dance hall is used or occupied in violation of any provision of section C26-1439.0 or section C26-1440.0 of this code, the commissioner may suspend or revoke the license of any cabaret or dance hall for a period of time not exceeding three months, and during such period of suspension or revocation it shall be unlawful to use or occupy any portion of such premises as a dance hall or cabaret. The commissioner shall cause to be served upon such parties as he may deem to be interested therein such reasonable notice of his intention to revoke such license as he may determine to be proper. There shall be included in or attached to such notice a statement of the facts constituting the violation charged. Licensees shall be entitled to a hearing before the commissioner. If the license of any place be twice revoked within a period of one year, a new license shall be denied to such place for a period of at least one year from the date of the second revocation.

§ 10. Subdivision g of section 436-1.0 of such code is hereby amended to read as follows:

g. Inspection before and after issuing license. A license shall be issued only after the commissioner shall have caused an inspection to be made of the premises to be licensed and not until the commissioner is satisfied that such place complies with all laws and the rules and regulations of the department of housing and buildings, the fire department, the police department, the health department and the department of water supply, gas and electricity in so far as the same are applicable thereto. The commissioner shall also cause to be made such inspections as may be necessary to ascertain whether the places licensed are maintained in compliance

with law. For the purpose of facilitating the inspections prescribed by this section, the commissioner is authorized to call upon the head of any city agency and such agency and its employees shall make such inspections as may be required.

§ 11. Subdivision h of section 436-1.0 of such code is hereby amended to read as follows:

h. Permit for a public dance or ball. Premises licensed hereunder shall be leased or hired out, and used, for the purpose of holding a public dance or ball only after the person intending to hold such public dance or ball shall apply for and receive from the commissioner a permit to hold same. Such permit shall be issued only upon condition that the dance or ball shall be held in accordance with the rules and regulations adopted by the commissioner. The commissioner is authorized to adopt reasonable rules and regulations for the holding of such public dances and balls for the purpose of preventing thereat any fraudulent solicitation of monies or any disorderly or immoral behavior or conduct calculated to disturb the public peace or safety. Application for such permit shall be made to the commissioner upon such forms as he may prescribe. A fee of ten dollars shall be paid for each such permit. Such permit may at any time be revoked by the commissioner in case it appears probable that the public dance or ball for which permit has been issued will not be conducted in accordance with such rules and regulations. A permit pursuant to this section, in the discretion of the commissioner, may provide that such public dance or ball may be continued between four ante meridian and eight ante meridian; and in such case the license issued for the premises in which such public dance or ball is to be conducted shall not be deemed violated by reason of the fact that such premises are open to the public between such hours.

§ 12. Subdivision i of section 436-1.0 of such code is hereby amended by adding thereto a new paragraph, to follow paragraph three, to be paragraph four, to read as follows:

4. A licensee permitting his or its premises to be used for a public dance or ball for a single occasion without first ascertaining that the person holding such public dance or ball has a permit from the police commissioner to conduct such public dance or ball shall be guilty of an offense and shall be punished by a fine of not more than fifty dollars or imprisonment not to exceed thirty days, or both.

§ 13. **Saving clause.**—If any clause, sentence, paragraph, section or part of this law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 14. This local law shall take effect immediately.

THE CITY OF NEW YORK,
OFFICE OF THE CITY CLERK, ss:

I hereby certify that the foregoing is a true copy of a local law passed by the Council of The City of New York, concurred in by the Board of Estimate and approved by the Mayor on July 24, 1943, on file in this office.

H. WARREN HUBBARD,
City Clerk, Clerk of the Council.

NOTICE

Instructions promulgated by the Department of Housing and Buildings for the filing of an application for a "Place of Assembly" appear on the following pages.

NOTICE

DEPARTMENT OF HOUSING AND BUILDINGS BOROUGH OF , CITY OF NEW YORK

NOTICE—This Application must be TYPEWRITTEN and filed in TRIPLICATE.

APPLICATION FOR PERMIT FOR A PLACE OF ASSEMBLY

Under Local Law No. 29, effective July 24, 1943

MISC. APPLICATION NO. 194 BLOCK LOT USE DIST.

LOCATION

NOTE: For instructions as to the requirements and filing of this application, see the other side of this sheet.

SPECIFICATIONS

1. Location of space or room on story
2. Type of occupancy
3. Was above occupancy established prior to January 1, 1938?
4. Maximum number of persons to be accommodated?
5. Has this use been approved by this department? Date
6. State number of different seating arrangements to be used
7. Is fee required to be paid to this department under Sec. C26-1447.0?
8. Present building: Fireproof? Non-fireproof? Frame?

STATE AND CITY OF NEW YORK }
COUNTY OF } ss: being duly
(Typewrite Name of Applicant)

sworn deposes and says: That he resides at Borough of
City of New York; that he is the agent for the (owner-lessee) of the premises above
described, and is duly authorized to make this application for approval of the diagram and specifications herewith submitted,
and made a part hereof, for the work to be done in the building therein described,—with the understanding that if no permit
is issued hereunder within one year from the time of approval, such approval shall expire by limitation as provided by law;
and the applicant agrees to comply with all provisions of the Administrative Code and all laws and regulations applicable
to the use and maintenance of such space in effect at this date; that any work to be done is duly authorized by the owner.
Deponent further states that the full names and residences of the owners or lessees of said premises are:

Owner Address
Lessee Address

Sworn to before me this
day of , 194 (Sign here) Applicant

Notary Public or Commissioner of Deeds

If Licensed Architect or Professional Engineer,
affix seal.

Specify any proposed work to be done under this application:

Has plan been filed for this construction work?

COMPENSATION INSURANCE has been secured in accordance with the requirements of the Workmen's Compensation Law as follows:

NOTE: Examiner shall indicate from which departments an approval is required before a permit may be issued by this department. (§C26-1447.0)

EXAMINED AND RECOMMENDED
FOR APPROVAL ON 194
APPROVED 194 Examiner

Borough Superintendent

NOTICE

INSTRUCTIONS

For the Filing of an Application for a "Place of Assembly",
as Required by Local Law No. 29, Effective July 24, 1943.

§C26-116.0 defines a "place of assembly" as a room or space which is occupied by seventy-five or more persons and which is used for educational, recreational or amusement purposes and shall include assembly halls in school structures; dance halls; cabarets; night clubs; restaurants; any room or space used for public or private banquets, feasts, socials, card parties or weddings; lodge and meeting halls or rooms; skating rinks; gymnasiums; swimming pools; billiard, bowling, and table tennis rooms; halls or rooms used for public or private catering purposes; funeral parlors; markets; recreation rooms; concert halls; broadcasting studios; school and college auditoriums; and all other places of similar type of occupancy.

The requirements of some of the important provisions of Local Law No. 29 of 1943 are as follows:

1. A diagram shall be filed, one-eighth-inch scale, indicating the basic arrangement of aisles, exits, etc. (§C26-1438.0) When such diagram has been approved by the Department, duplicate diagrams shall be filed on cloth. One copy shall be kept on the premises and shall be readily available for inspection.
2. If any required exit is through a kitchen or pantry, indicate same on diagram. Also indicate the maximum distance of travel from any point in such space to the exit doors or stairway. (§C26-1438.0)
3. Indicate on diagram the location of "CAPACITY SIGN" twenty-inches by twenty-four inches, indicating the maximum number of persons to be accommodated. (§C26-1440.0)
4. Indicate on diagram that the room or space used for assembly will be provided with sufficient illumination to permit a person to read nine-point print of the type generally used in a daily newspaper. (§C26-1441.0)
5. Indicate on diagram the location of directional and "EXIT" signs eight inches in height. (§C26-1442.0)
6. The illumination of all exit lights and directional signs in all "licensed places of public assembly" which have been approved for occupancy by more than 250 persons shall be provided through circuits separate from the general lighting and power circuits, and such installation shall be approved by the Department of Water Supply, Gas and Electricity. (§C26-1443.0)
7. If dressing rooms for entertainers are provided, indicate on diagram the location of the exits and sprinkler heads. (§C26-1445.0)
8. If revolving doors are present or are to be used, indicate location and type of door. Revolving doors which do not collapse automatically (Type B) shall be removed. (§C26-1446.0)
9. Revolving doors which collapse automatically (Type A) shall be oiled and cleaned each month, and a record of maintenance shall be kept on the premises. (§C26-1446.0)
10. The hoods over ranges, and the flues for such ranges, shall be thoroughly cleaned at least twice each year. A record of such maintenance shall be kept on the premises and shall be available for examination. (§C26-1444.0)
11. A permit shall be secured from this department. An annual fee of five dollars shall be paid to this department upon the issuance of the permit. (§C26-1447.0)
12. §C19-161-1.1 requires that drops, curtains, decorations and scenery be flameproofed in conformity with the provisions of the Administrative Code and the Rules and Regulations of the Board of Standards and Appeals and the Fire Department.
13. §C26-1449.0 provides that "any person who shall violate any provision of this article, upon conviction thereof, shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment not exceeding ten days, or by both. Upon a second conviction of such violation the commissioner shall have discretionary power to REVOKE OR SUSPEND ANY PERMIT issued by the department under the provisions of this article."

Work commenced.....Date signed off....., 194.....

I HEREBY CERTIFY that this report is true in every respect and that the work indicated has been done in the manner required by the Administrative Code and the Rules and Regulations of this department, except where reported adversely.

Signed....., Inspector

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BULLETIN
OF THE
BOARD OF STANDARDS AND APPEALS
CITY OF NEW YORK

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Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.
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DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman
BERNARD A. SAVAGE
CHARLES M. BLUM
CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1000 to 1018.
TELEPHONE—WOrth 2-5600.
OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.
Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.
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All hearings are held in Room 1013, Municipal Building,
Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the en-
gineers, pertaining to the work of the board, will be seen
only between the hours of ten in the morning and one in
the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection
with which court proceedings are pending or in progress,
unless exception is granted by the chairman, nor accepted
which is not filed within thirty days from the date of the
action of the Administrative Official.

Any communication purporting to be an appeal or appli-
cation shall be regarded as a mere notice of intention to
seek relief until it is filed on the form required by the rules
of this board.

Upon receipt of any such communication the writer will
be supplied with the official forms for presenting his appeal
or application.

At the time of filing an appeal or application, the appel-
lant or applicant shall forward a signed notice of appeal
addressed to the administrative official (either commissioner
of buildings or fire commissioner) and file with this board
a duplicate of said notice.

Appellants and applicants are advised that their plans
must indicate the points of the compass so as to establish
the true location and position of the property, the subject
of the appeal or application.

Appeals and applications will be simplified and disposition
of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET.

New Cases Filed up to November 16, 1943.

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|-----------------|-----------------|--|
| 540-43-A | H.B.M. | 312 11th avenue, east side, 49 ft. 4½ in. south of West 30th street (Block 701, Lot 70), Borough of Manhattan, Alt. 799-43 and B.N. 1482-43. |
| 541-43-A | F.D. | 133 Kingsborough 1st Walk, east side, 220 ft. south of Bergen street (Block 1344, Lot 1), Borough of Brooklyn, Order and Decision. |
| 542-43-A | H.B.B. | 143-169 Inlay street, southeast corner of Pioneer street (Block 529, Lots 1 and 8), Borough of Brooklyn, Alt. 2915-43. |
| 543-43-A | H.B.Q. | 48-01 to 50-21 Metropolitan avenue, northwest corner of Flushing avenue (Block 2318, Lot 25), Maspeth, Borough of Queens (Under section 35, General City Law re bed of mapped street—51st street), Alt. 1445-43. |
| 544-43-A | F.D. | 42-16 West street, west side, 200 ft. south of Jackson avenue (Block 264, Lot 4), Long Island City, Borough of Queens, Decision. |
| 545-43-A | F.D. | 96 Greene street, east side, 150 ft. north of Spring street (Block 499, Lot 3), Borough of Manhattan, 16702-L.F. |
| 546-43-A | F.D. | 297 Dean street, north side, 100 ft. west of Third avenue (Block 191, Lot 41), Borough of Brooklyn, 11334-L.F. |
| 547-43-SM | | Albi Firepel Corporation, Fire Retardent Compound (for flameproofing fabrics), manufactured by Albi Firepel Corporation, Material. |
| 548-43-A | F.D. | 162-168 Classon avenue, west side, 262 ft. 8 in. north of Myrtle avenue and 92 Emerson place (Block 1895, Lot 50), Borough of Brooklyn, 9349-L.F., and Decision. |
| 549-43-A | H.B.Q. and F.D. | 36-20 to 36-46 33rd street and 32-50 37th avenue, southwest corner (1st and 5th floors); (Block 601, Lot 1), Long Island City, Borough of Queens, Misc. 2981-43 and 11397-L.F. |
| 550-43-A | H.B.B. | Blocks bounded by Prince street, Park avenue, Carlton avenue and Myrtle avenue, 1-60 Fleet Walk, 330-342 Hudson Walk, 8-110 Monument Walk, 85-162 Navy Walk, 36-88 St. Edwards street, 145-161 North Elliott Walk, 287 Myrtle avenue, 14-32 Auburn place, 81-149 North Portland avenue, 56-151 North Oxford Walk, 68-138 Cumberland Walk, 135-140 Washington Walk and 60-131 Carlton avenue (Blocks 2041, 2042, 2043, 135, 136, 137 and super blocks 1 and 2), Borough of Brooklyn, N.B. 2474-40, N.B. 2239-40 and N.B. 2081-40. |
| 551-43-A | H.B.B. | 3855 Nautilus avenue, northeast corner of Highland avenue (Block 7002, Lot 1), Borough of Brooklyn, Alt. 449-43. |

552-43-SM—De-Oxo-Lin 200 FF (flameproofing compound), manufactured by J. E. Came Company, Material.

553-43-A—F.D.—42-42 Vernon boulevard, northwest corner of 43rd (Harris) avenue (Block 484, Lot 31), Long Island City, Borough of Queens, 95818-C.

554-43-A—F.D.—341-347 Adams street, east side, 225 ft. south of Myrtle avenue (Block 145, Lot 5), Borough of Brooklyn, 10043-L.F., and Decision.

555-43-A—H.B.Q.—316 Beach 149th street, east side, 105 ft. north of Neponsit avenue (Block 750, Lot 51), Rockaway Beach, Borough of Queens, Alt. 2004-42, Amendment.

556-43-A—F.D.—297-299 Elizabeth street, west side, 140 ft. south of Bleecker street (Block 521, Lot 37), Borough of Manhattan, Decision.

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339-37-BZ—H.B.Bx.—635-637 Morris Park avenue, west side, 35.9 ft. south of Unionport road (Block 4011, Lot 23), Borough of The Bronx, Decision re Certificate of Occupancy.

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

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Carbon Dioxide Liquefier, Rules	June 22, 1943—Vol. 28, No. 25
Certificates of Occupancy, approved form	Nov. 25, 1941—Vol. 26, No. 47
Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Masonry Units, Rules for Manufacture, Testing and Use of	June 24, 1941—Vol. 26, No. 25
Concrete Rules (Hydrated Lime)	Aug. 3, 1937—Vol. 22, No. 31
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Exit Rules (Revolving Doors)	June 15, 1937—Vol. 22, No. 24
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Fire Alarm Rules (Interior)	June 8, 1943—Vol. 28, No. 23
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Fire-resistive, Flameproof Materials, etc., Rules for Testing of	Nov. 2, 1943—Vol. 28, No. 44
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Fireproof Wood, Testing of	Apr. 13, 1937—Vol. 22, No. 15
Frame Garages, Ruling for	Jan. 21, 1919—Vol. 4, No. 3
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Tank Trucks, Gasoline, etc.	Nov. 24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr. 10, 1923—Vol. 8, No. 15

CALENDAR

Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol 28, No. 23A.

NOVEMBER 23, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, November 23, 1943 at 10 o'clock in Room 1013 Municipal Building, Manhattan, on the following matters:

Zoning Applications.

1333-22-BZ—Application of Robert J. Farrington, applicant, on behalf of Besemer Realty Corporation, owner, reopened October 26, 1943, for consideration as to rehearing as to new use—motor vehicle repair shop in rear portion of building—re Application, previously granted on condition, under section 7c of the zoning resolution, permitting partly in a business use and extending into a residence use district, the erection and maintenance of a business building; premises 662 East Fordham road, south side, 50.96 ft. west of Cambreleng avenue (Block 3091, Lot 22), Borough of The Bronx.

494-43-BZ—Application, October 20, 1943, under sections 7a and 21 of the zoning resolution, of Humphrey Nolan, applicant, on behalf of Emigrant Industrial Savings Bank, owner, to permit in a residence use district, the conversion of occupancy of a building occupied as laundry and storage to a factory; premises 518-524 East 80th street, south side, 298 ft. east of York avenue (Block 1576, Lots 37 and 39), Borough of Manhattan.

Appeals from Administrative Decisions.

495-43-S—518-524 East 80th street, south side, 298 ft. east of York avenue (Block 1576, Lots 37 and 39), Borough of Manhattan.

399-43-A—2531-2539 Broadway, west side, from West 94th street to West 95th street and 250-254 West 95th street (Block 1242, Lots 55 and 10), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 23, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday afternoon, November 23, 1943 at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions.

364-43-A—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

115-43-S—21-10 49th avenue, southeast corner of 21st street (1st floor); (Block 71, Lot 1), Long Island City, Borough of Queens (reopened September 14, 1943 re amendment of resolution).

28-35-A—601-649 West 26th street, 600-652 West 27th street, 200-214 13th avenue and 245-259 11th avenue (Block 672, Lot 1), Borough of Manhattan (reopened November 9, 1943).

446-43-A—2-22 Quincy street and 1-9 Downing street, southeast corner (Block 1972, part of Lot 2), Borough of Brooklyn.

460-43-S—984-986 Grand street, south side, 200 ft. 0 $\frac{1}{8}$ in. west of Morgan avenue and 357-359 Maujer street (Block 3019, Lot 33), Borough of Brooklyn.

453-43-A—91-25 87th street, east side, 235 ft. south of 91st avenue (Block 8981, Lot 49), Woodhaven, Borough of Queens.

516-43-A—57-46 Flushing avenue, 58-12 59th drive, 59-05 60th avenue and 59-83 59th street, east side, 214 ft. 10 in. south of 59th drive (Block 2649, Lots 113 and 135 and Block 2653, Lot 5), Maspeth, Borough of Queens (under section 35, General City Law re bed of mapped street—59th street).

770-42-A—Re packaging and distribution of inflammable mixtures known as "3-M Furniture Cleaner and Polish" and "Scotchlite Adhesive" in one-pint, one-quart, one-half-gallon and one-gallon glass containers (capacity of glass containers not in conformity with Administrative Code requirements); (reopened November 9, 1943).

512-43-A—44-50 West 28th street, south side, 100 ft. east of Sixth avenue (16th floor); (Block 829, Lot 68), Borough of Manhattan.

122-43-S—234-240 East 39th street, south side, 150 ft. west of Second avenue (Block 919, Lot 16), Borough of Manhattan.

490-43-A—330-350 Kent avenue, west side, from South 4th to South 5th streets (Bldg. No. 20); (Block 2427, Lot 1), Borough of Brooklyn.

317-43-A—314 West 91st street, south side, 150 ft. east of Riverside drive (Block 1251, Lot 32), Borough of Manhattan.

542-43-A—143-169 Imlay street, southeast corner of Pioneer street (Block 529, Lots 1 and 8), Borough of Brooklyn.

424-43-A—2021-2035 Broadway, west side and 201-215 Amsterdam avenue, east side, from West 69th to West 70th streets (Block 1141, Lot 1), Borough of Manhattan.

563-43-A—56-02 31st avenue, southeast corner of 56th street (Block 1134, Lot 1), Woodside, Borough of Queens.

Appliances and Materials for Approval

726-41-SA—Dry-Sys Type L Indirect Oil-Fired Air Heater and Syphon Oil Burner, for Industrial Installation.

354-43-SM—Olsen Clip System 2-in. Solid Plaster Partition.

246-43-SA—Weldit, Model E, Gasaver.

392-43-SA—Western Electric Company, Inc., Type "OF" Burner Tip for Hydrogen-Oxygen Flame.

340-43-SM—Precast Concrete Plank, 1 in. x 16 in x 48 in.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 30, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, November 30, 1943, at 10 o'clock in Room 1013 Municipal Building, Manhattan, on the following matters:

Zoning Applications

1051-27-BZ—Application of Lama and Proskauer, applicants, on behalf of Rutland Parkway, Inc., owner (Sinclair Oil Refining Co., lessee), reopened December 1, 1942, under sections 7c and 21 of the zoning resolution, to permit in a business use district, the conversion of

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occupancy of an auto laundry (located upon an existing gasoline service station) to a motor vehicle repair shop and, also, the inclusion of parking and storage of more than five motor vehicles; premises 724-740 Ralph avenue and 81-101 East 98th street, northwest corner (Block 3530, Lot 1), Borough of Brooklyn.

347-43-BZ—Application, July 8, 1943, under section 21 of the zoning resolution, of J. Nelson Cooper, applicant, on behalf of Bertha Hagena, owner, to permit in a residence use and also a "D" area district, the erection of an extension to a commercial building; also the proposed extension does not comply with the area or rear yard requirements of the zoning resolution; premises 67-45 Alderton road, east side, 406.08 ft. north of Yellowstone boulevard (Block 3150, Lot 22), Forest Hills, Borough of Queens.

539-43-BZ—Application, November 9, 1943, under section 21 of the zoning resolution, of Robert G. Zetsche, applicant, on behalf of Carlton R. Valentine and Estate of August E. Eggert (Alma M. Lackas, Wilhelmina Schussler and Augusta E. Feuerstein, executrices), owners, (Angold Garage Corporation, lessee), to permit in a residence use district, the conversion of occupancy of an existing garage for more than five motor vehicles to a testing laboratory, storage use and, also, garage for more than five motor vehicles; premises 4748-4756 Bronx boulevard and 600 East 242nd street, southeast corner (Block 5103, Lots 37 to 42, inclusive), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 30, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, November 30, 1943, at 2 o'clock in Room 1013 Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

455-43-A—36-27 to 36-39 36th street, south side, 243.31 ft. west of 36th avenue (Block 636, Lots 14, 15 and 19), Long Island City, Borough of Queens.

525-43-A—105-51 160th street (Washington street), east side, 20.37 ft. north of South street (Block 10118, Lot 68), Jamaica, Borough of Queens.

543-43-A—48-01 to 50-21 Metropolitan avenue, northwest corner of Flushing avenue (Block 2318, Lot 25), Maspeth, Borough of Queens (under section 35, General City Law re bed of mapped street—51st street).

Materials for Approval.

492-40-SM—Fyrgard C N.Y.C. Three-Hour Metal-Clad Three-Ply Door (re reopening and amendment of resolution to permit fabrication in Two Sections).

243-43-SM—Bird Insulating Fibreboard.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 7, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 7, 1943, at 10 o'clock in Room 1013 Municipal Building, Manhattan, on the following matters:*

Zoning Applications.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened

October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

304-24-BZ—Application of Koch and Wagner, applicants, on behalf of E. J. K. Corporation, owner, reopening October 13, 1943, under section 7c of the zoning resolution, to permit partly in a residence use and partly in an unrestricted use district, the conversion of occupancy of an existing building from a public garage to a factory. (The garage was previously granted by the Board); premises 102-112 Montgomery street, south side, 91 ft. 6 in. east of Washington avenue (Block 1192, Lot 30), Borough of Brooklyn.

1167-40-BZ—Application, December 11, 1940, amended November 15, 1943, under sections 7c and 21 of the zoning resolution, of Richard W. Hogue, Jr., applicant, on behalf of Iris Miller, owner, to permit partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building from showroom and garage to bottling and storage of wines; premises 50-04 Queens boulevard, south side, 40 ft. east of 50th street and 45-15 50th street (Block 2283, Lot 22), Woodside, Borough of Queens.

339-37-BZ—Application of Lawrence S. La Rosa, applicant, on behalf of Sarah Lyons, owner, reopened November 16, 1943, for consideration as to extension of permit—Application, previously granted on condition, under section 21 of the zoning resolution, permitting in a business use district, the conversion of occupancy of a building occupied as garage for five motor vehicles, stores, club rooms and offices, so as to use the garage portion as a garage for more than five motor vehicles and motor vehicle repair shop; premises 635-637 Morris Park avenue, west side, 35.9 ft. south of Unionport road (Block 4011, Lot 23), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 7, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, December 7, 1943, at 2 o'clock in Room 1013 Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

592-42-S—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

593-42-A—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 14, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 14, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

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Zoning Application.

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

Appeal from Administrative Decision.

361-43-A—16 Central avenue, west side, 134.62 ft. south of Hyatt street (Block 6, Lot 75), St. George, Borough of Richmond.

HARRIS H. MURDOCK, *Chairman*.

DECEMBER 21, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, December 21, 1943 at 10 o'clock in Room 1013 Municipal Building, Manhattan, on the following matter:

Zoning Application.

222-43-BZ—Application, May 11, 1943, under section 7h of the zoning resolution, of Arthur Weiser, applicant, on behalf of Bijou Realty Corporation, owner, to permit partly in a residence use and partly in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises west side of Riverdale avenue, 157.01 ft. north of West 232nd street (Block 3409E, Lot 374), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman*.

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BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, NOVEMBER 16, 1943

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy.

The minutes of the regular meetings of the Board held on Tuesday morning, November 9, 1943, and Tuesday afternoon, November 9, 1943, were approved as printed in Bulletin No. 46, Volume 28.

ZONING CASES

1333-22-BZ

APPLICANT—Robert J. Farrington, for Besemer Realty Corporation, owner.

SUBJECT—Application reopened October 26, 1943 for consideration as to rehearing as to new use—motor vehicle repair shop in rear portion of building—Application, previously granted on condition, under section 7c of the zoning resolution, permitting partly in a business use and extending into a residence use district, the erection and maintenance of a business building.

PREMISES AFFECTED—662 East Fordham road, south side, 50.96 ft. west of Cambrelling avenue (Block 3091, Lot 22), Borough of The Bronx.

APPEARANCES—

For Applicant: Robert J. Farrington, Allan Bates and Fred Nieustedt.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 23, 1943 at 10 A.M. for an inspection by a committee of the Board.

1051-27-BZ

APPLICANT—Lama and Proskauer, for Rutland Parkway, Inc., owner (Sinclair Oil Refining Co., lessee).

SUBJECT—Application reopened December 1, 1942, (decision of the borough superintendent) under sections 7c and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of an auto laundry (located upon an existing gasoline service station) to a motor vehicle repair shop and, also, the inclusion of parking and storage of more than five motor vehicles.

PREMISES AFFECTED—724-740 Ralph avenue and 81-101 East 98th street, northwest corner (Block 3530, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama and N. L. Stuller.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 30, 1943 at 10 A.M. for further consideration by the Board. Applicant to file revised plans.

222-43-BZ

APPLICANT—Arthur Weiser, For Bijou Realty Corporation, owner.

SUBJECT—Application (decision of the acting borough superintendent) under section 7h of the zoning resolution, to permit partly in a residence use and partly in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—West side of Riverdale avenue, 157.01 ft. north of West 232nd street (Block 3409E, Lot 374), Borough of The Bronx.

APPEARANCES—

For Applicant: None.

For Opposition: Harold Klorfein, Dep't of Parks.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to December 21, 1943 at 10 A.M. on written request of applicant.

339-37-BZ

APPLICANT—Lawrence S. La Rosa, for Sarah Lyons, present owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the commissioner of buildings) previously granted on condition, under section 21 of the zoning resolution, permitting in a business use district, the conversion of occupancy of a building occupied as garage for five motor vehicles, stores, club rooms and offices so as to use the garage portion as a garage for more than five motor vehicles and motor vehicle repair shop.

PREMISES AFFECTED—635-637 Morris Park avenue, west side, 35.9 ft. south of Unionport road (Block 4011, Lot 23), Borough of The Bronx.

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APPEARANCES—

For Applicant: Lawrence S. La Rosa.

For Administration: Fred Dahlem Dep't of Housing and buildings.

ACTION OF BOARD—Application reopened and set for December 7, 1943 at 10 A.M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy. 4

Negative 0

464-37-BZ

APPLICANT—Lama and Proskauer, for Vincenza Gabella, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the commissioner of buildings) previously granted on condition, under section 21 of the zoning resolution, permitting in a residence use district, the maintenance of a garage for more than five motor vehicles for a temporary period.

PREMISES AFFECTED—2214-2222 West 11th street, west side, 100 ft. south of Avenue V (Block 7139, Lots 12 and 14), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: Harold Klorfein, Dep't of Parks.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Request to reopen, withdrawn.

THE VOTE TO WITHDRAW REQUEST TO REOPEN—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy. 4

Negative 0

585-42-BZ

APPLICANT—William V. McDevit, for Socony-Vacuum Oil Co., Inc., owner.

SUBJECT—Application (decision of the acting borough superintendent) under section 7c of the zoning resolution, to permit in a business use district, the extension in area of an existing gasoline service station and, also the erection thereon and maintenance of a building to be used as auto laundry and lubricatorium.

PREMISES AFFECTED—4091 Hylan boulevard and 293 Nelson avenue, northeast corner (Block 5158, Lot 37), Great Kills, Borough of Richmond.

APPEARANCES—

For Applicant: William V. McDevit.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application withdrawn on request of applicant after argument.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy. 4

Negative 0

133-34-BZ

APPLICANT—Otto J. Sambach, for Bartholdi Turecamo, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Application (decision of the commissioner of buildings) previously granted on condition, under section 21 of the zoning resolution, permitting in a residence use district, the erection and maintenance of a fuel oil storage plant.

PREMISES AFFECTED—2411-2427 Warehouse avenue, north side, 93 ft. 7½ in. east of 24th avenue (Block 6927, Lot 7), Borough of Brooklyn.

APPEARANCES—

For Applicant: Otto J. Sambach.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (133-34-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in a residence use district, the erection and maintenance of a fuel oil storage plant, affecting premises 2411-2427 Warehouse avenue, north side, 93 ft. 7½ in. east of 24th avenue (Block 6927, Lot 7), Borough of Brooklyn, was granted by the Board on July 10, 1934, on certain conditions, resolution amended on May 12, 1936 and the applicant requested a further amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted on July 10, 1934, as amended on May 12, 1936, by adding thereto:

"that there may be installed within the garage on the premises, a 550 gallon tank for the storage of No. 2 oil to be used for diesel-operated trucks, *on condition* that the installation of the tank shall comply with the requirements of the Administrative Code for gasoline storage, except that the fill pipe terminal shall comply with the Oil Burner Rules of the Board; that this tank shall be used only in connection with the trucks used by the owner in his business conducted on the premises.

480-38-BZ

APPLICANT—Charles Liggett, lessee, for William C. Schoof, Margaret Schoof and Carl H. Schoof, owners.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a temporary term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—41-43 Snyder avenue, north side, 150 ft. west of Bedford avenue (Block 5103, Lot 91), Borough of Brooklyn.

APPEARANCES—

For Applicant: Charles Liggett.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (480-38-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a temporary term of two years, the parking and storage of more than five motor vehicles, affecting premises 41-43 Snyder avenue, north side, 150 ft. west of Bedford avenue (Block 5103, Lot 91), Borough of Brooklyn, was granted by the Board on October 21, 1941, on certain conditions, resolution amended on November 18, 1941 and the applicant requested an extension of the permit.

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Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted October 21, 1941, as amended November 18, 1941, only so far as it has reference to the term of the variance, so that as amended, this portion of the resolution shall read:

"*granted* under section 7-h for a term of two (2) years from the date of this *amended* resolution, to permit the premises to be occupied for the parking or storage of more than five (5) motor vehicles, *on condition* * * *"

802-38-BZ

APPLICANT—Theodore R. Feinberg, for Hotels Statler Company, Incorporated, owner (Hotel Garage Annex, Inc., lessee).

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a retail use district, for a temporary term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—225-235 West 33rd street, north side, 259.3 ft. west of Seventh avenue (Block 783, Lots 22 and 26, inclusive), Borough of Manhattan.

APPEARANCES—

For Applicant: Samuel Kuperschmid.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (802-38-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a retail use district for a temporary term of two years, the parking and storage of more than five motor vehicles, affecting premises 225-235 West 33rd street, north side, 259.3 ft. west of Seventh avenue (Block 783, Lots 22 to 26, inclusive), Borough of Manhattan, was granted by the Board on May 9, 1939, on certain conditions, permit extended on October 28, 1941 and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted May 9, 1939, as amended on October 28, 1941 only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"*granted* under section 7h thereof for a temporary term of two (2) years from the date of this *amended* resolution, * * *"

933-38-BZ

APPLICANT—Ernest E. Belfi, for Pennsylvania Railroad Company, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a retail use district, for a temporary term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—234-236 West 31st street, south side, 400 ft. west of Seventh avenue (Block 780, Lot 60), Borough of Manhattan.

APPEARANCES—

For Applicant: Ernest E. Belfi.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (933-38-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a retail use district for a temporary term of two years, the parking and storage of more than five motor vehicles, affecting premises 234-236 West 31st street, south side, 400 ft. west of Seventh avenue (Block 780, Lot 60), Borough of Manhattan, was granted by the Board on October 31, 1939, on certain conditions, permit extended on October 28, 1941 and the applicant requested a further extension of the permit; and

WHEREAS, Certificate of Occupancy 2850, dated January 14, 1942, has been filed, covering the occupancy of the premises, in accordance with the resolution of the Board granting a 2-year permit beginning October 28, 1941.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted October 31, 1939, as amended October 28, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

" * * * *granted* under section 7-h for a temporary term of two (2) years from the date of this *amended* resolution, * * *"

1206-39-BZ

APPLICANT—Menley and James, Limited, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the borough superintendent) previously granted on condition, under section 7c of the zoning resolution, permitting upon a plot, located partly in an unrestricted use and partly in a residence use district, the erection and maintenance of a business building (storage of paper cartons).

PREMISES AFFECTED—91-17 to 91-27 138th place, northeast corner of Archer avenue (Block 9981, Lots 26 and 20), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: C. H. Marsh.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (1206-39-BZ)

WHEREAS, this application, under section 7c of the zoning resolution, permitting upon a plot, located partly in a residence use district and partly in an unrestricted use district, the erection and maintenance of a business building (storage of paper cartons), premises 91-17 to 91-27 138th place, northeast corner of Archer avenue (Block 9981, Lots 26 and 20), Jamaica, Borough of Queens, was granted by the Board January 3, 1940, on certain conditions; the time to obtain permits and complete work extended November 13, 1940, January 6, 1942 and October 20, 1942 and the applicant requested a further extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted January 3, 1940, as amended by resolutions adopted by the Board through October 20, 1942, only so far as it has reference to obtaining

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permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that all permits shall be obtained and all work completed within one year from the date of this *amended* resolution."

266-41-BZ

APPLICANT—Paul Friedman, for Martin Edwards and Catherine Edwards, owners.

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the borough superintendent) previously granted on condition, under sections 7c and 7g of the zoning resolution, permitting partly in a business use and partly in a residence use district, the erection and maintenance of a group of four (4) buildings for the storage, in the aggregate, of more than five motor vehicles.

PREMISES AFFECTED—55-02 to 55-32 Flushing avenue, south side, from 55th to 56th streets, 60-01 to 60-09 55th street and 60-02 to 60-18 56th street (Block 2648, Lots 15, 26, 28, 29, 31, 34, 36, 37 and 39), Maspeth, Borough of Queens.

APPEARANCES—

For Applicant: Harry Teichner.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (266-41-BZ)

WHEREAS, this application under sections 7c and 7g of the zoning resolution, permitting partly in a business use district and partly in a residence use district, the erection and maintenance of a group of four buildings for the storage, in the aggregate, of more than five motor vehicles, affecting premises 55-02 to 55-32 Flushing avenue, south side and 60-02 to 60-18 56th street (Block 2648, Lots 15, 26, 28, 29, 31, 34, 36, 37 and 39), Maspeth, Borough of Queens, was granted by the Board September 30, 1941, on certain conditions, resolution amended December 2, 1941, May 19, 1942 and November 4, 1942; and

WHEREAS, the applicant requested an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted September 30, 1941, as amended by resolutions adopted through November 4, 1942, only so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that all permits shall be obtained and all work completed within one (1) year from the date of this *amended* resolution."

680-41-BZ

APPLICANT—Max Horn, for Mollie Winter and Ethel M. Front, owners (Bill Gordon, lessee).

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting partly in a business use and partly in a residence use district, the parking and storage of more than five motor vehicles for a term of years.

PREMISES AFFECTED—167-199 Beach 61st street, southwest corner of Rockaway Beach boulevard (Block 389, Lots 19, 22 and 24), Arverne, Borough of Queens.

APPEARANCES—

For Applicant: Mrs. Max Horn.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (680-41-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting partly in a business use district and partly in a residence use district for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 167-199 Beach 61st street, southwest corner of Rockaway Beach boulevard (Block 389, Lots 19, 22 and 24), Arverne, Borough of Queens, was granted by the Board on August 6, 1941, on certain conditions, time extended on January 12, 1943 and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted August 6, 1941, as amended by resolution adopted January 12, 1943, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"*granted* under section 7, subdivision h, for a term of two (2) years from the date of this *amended* resolution, to permit the premises to be occupied for the parking and storage of more than five (5) motor vehicles, *on condition * * **"

406-43-BZ

APPLICANT—Alfred H. Eccles, for American Ice Co., owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Application (decision of the acting borough superintendent) previously granted on condition, under section 7c of the zoning resolution, for a term of ten years, permitting partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building, used as an ice manufacturing plant, to a factory for the fabrication of plastics and also, the alteration and the erection of an additional intermediary story within the present envelope of the building.

PREMISES AFFECTED—223-01 Northern boulevard and 43-29 223rd street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens.

APPEARANCES—

For Applicant: Alfred H. Eccles and J. A. Marsecani.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (406-43-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting partly in a business use district and partly in a residence use district, the conversion of occupancy of an existing building, used as an ice manufacturing plant, to a factory for the fabrication of plastics and also, the alteration and the erection of an additional intermediary story within the present envelope of the building, affecting premises 223-01 Northern boulevard and 43-29 223rd street,

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northeast corner (Block 6239, Lot 1), Bayside, Borough of Queens, was granted by the Board on September 28, 1943, on certain conditions; and

WHEREAS, the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted September 28, 1943, by adding thereto:

"that in the event the owner desires to raise the floor of the rear portion and change the run of stairs leading thereto from the front portion and provide an additional exit from the second floor tool room in lieu of the interior stairs from first to second floors, all as indicated on revised plans marked 'Received November 8, 1943', such changes may be made, provided that in all other respects, the resolution adopted by the Board September 28, 1943, is complied with, and provided the window in the interior partition separating the tool room on the second floor in the upper portion of the factory is fixed, fireproof and glazed with wire glass; and that any partitions shown to separate the tool room from the drafting room shall be fire-retarded to meet the 1-hour test, including the requirements for doors therein."

APPEALS FROM ADMINISTRATIVE DECISIONS

361-43-A

APPLICANT—Nora Lowe McKee, owner (William Van Dohlmann, lessee).

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—16 Central avenue, west side, 134.62 ft. south of Hyatt street (Block 6, Lot 75), St. George, Borough of Richmond.

APPEARANCES—

For Applicant: D. R. J. Arnold.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to December 14, 1943 at 10 A.M. on request of applicant's representative and for further consideration by the Board.

399-43-A

APPLICANT—Howard H. Snyder, for Broad-West Realty Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—2531-2539 Broadway, west side, from West 94th to West 95th streets and 250-254 West 95th street (Block 1242, Lots 55 and 10), Borough of Manhattan.

APPEARANCES—

For Applicant: Howard H. Snyder and William H. J. Bodine.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 23, 1943 at 10 A.M. for further consideration by the Board and pending an inspection by a committee of the Board.

407-43-S

APPLICANT—Alfred H. Eccles, for American Ice Co., owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—223-01 Northern boulevard and 43-29 223rd street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens.

APPEARANCES—

For Applicant: Alfred H. Eccles.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (407-43-S)

WHEREAS, this application from a decision of the borough superintendent, affecting premises 223-01 Northern boulevard and 43-29 223rd street, northeast corner (Block 6329, Lot 1), Bayside, Borough of Queens, was granted by the Board on September 28, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted September 28, 1943, so that as amended the resolution shall read:

"Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the labor law, as cited in a decision of the borough superintendent, acting on Alt. Applic. 1028-43, objection 3, and that the application be and it hereby is granted for a term of (10) years, on condition that the building shall comply with the requirements of the resolution adopted by the Board September 28, 1943, under Cal. 406-43-BZ, as amended November 16, 1943, with exits as indicated on plans filed with Cal. 406-43-BZ and as so amended, shall be maintained as to exits and stairs; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that no second story shall be constructed in the present rear one-story portion of the premises, but the floor thereto may be elevated, as permitted under resolution adopted under Cal. 406-43-BZ, as amended November 16, 1943."

Adjourned: 11:50 A.M.

JOSEPH J. DOYLE, Chief Clerk.

REGULAR MEETING

TUESDAY AFTERNOON, NOVEMBER 16, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy.

APPEALS FROM ADMINISTRATIVE DECISIONS

28-35-A

APPLICANT—Neo Gravure Printing Co., Inc. (lessee), for Pioneer Real Estate Company, owner.

SUBJECT—Application reopened November 9, 1943—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—601-649 West 26th street, 600-652 West 27th street, 200-214 13th avenue and 245-259 11th avenue (Block 672, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: John J. Gilmartin and Harley C. Alger.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Laid over to November 23, 1943 at 2 P.M., pending an inspection by a committee of the Board.

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592-42-S

APPLICANT—Sidney Daub, for Simon Finkelstein, owner.

SUBJECT—Application reopened and restored to calendar, September 14, 1943—re Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: Sidney Daub.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to December 7, 1943 at 2 P.M., for further consideration by the Board.

593-42-A

APPLICANT—Sidney Daub, for Simon Finkelstein, owner.

SUBJECT—Application reopened and restored to calendar September 14, 1943—re Appeal from a decision of the borough superintendent (previously dismissed for lack of prosecution).

PREMISES AFFECTED—124 Baxter street, east side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: Sidney Daub.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to December 7, 1943 at 2 P.M., for further consideration by the Board.

115-43-S

APPLICANT—Ansley Radio Corporation (lessee), for Schulte Real Estate Co., Inc., owner.

SUBJECT—Application reopened September 14, 1943 re amendment of resolution—Variation of the labor law as cited in decisions of the borough superintendent.

PREMISES AFFECTED—21-10 49th avenue, southeast corner of 21st street (1st floor); (Block 71, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: S. Pollak.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 23, 1943 at 2 P.M. at request of applicant.

364-43-A

APPLICANT—Julius Bleich, for Congregation of House of Levi, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—1820 Prospect avenue, east side, 161-74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 23, 1943 at 2 P.M., for inspection by a committee of the Board.

446-43-A

APPLICANT—Randolph H. Almiroty, for The Salvation Army, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—2-22 Quincy street and 1-9 Downing street, southeast corner (Block 1972, part of Lot 2), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Thomas Larkin, Fire Dep't.

ACTION OF BOARD—Laid over to November 23, 1943 at 2 P.M. at written request of applicant.

453-43-A

APPLICANT—John G. Scheiner, owner.

SUBJECT—Appeal from decision of borough superintendent.

PREMISES AFFECTED—91-25 87th street, east side, 235 ft. south of 91st avenue (Block 8981, Lot 49), Woodhaven, Borough of Queens.

APPEARANCES—

For Applicant: Louis Seligman, John G. Scheiner and Patrick Henry O'Connor.

For Opposition: Mrs. Lena Schewing.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 23, 1943 at 2 P.M., for further consideration by the Board.

460-43-S

APPLICANT—Richard Shutkind, for George Leisenheimer, owner.

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—984-986 Grand street and 357-359 Maujer street, south side, 200 ft. $\frac{1}{8}$ in. west of Morgan avenue (Block 3019, Lot 33), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 23, 1943 at 2 P.M., for further consideration by the Board.

525-43-A

APPLICANT—Herman Kron, for Irving Engel, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—105-51 160th (Washington) street, east side, 20.37 ft. north of South street (Block 10118, Lot 68), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Herman Kron.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 30, 1943 at 2 P.M., for further consideration by the Board.

467-43-S

APPLICANT—M. Allen Schlendorf, for Saddle Bergstein, owner (Spareway Food Products Company, lessee).

SUBJECT—Variation of the labor law as cited in decision of the borough superintendent.

PREMISES AFFECTED—203 Clifton place, north side, 90 ft. west of Bedford avenue (Block 1950, Lot 41), Borough of Brooklyn.

APPEARANCES—

For Applicant: M. Allen Schlendorf.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

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ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0
Negative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy. 4

THE RESOLUTION (467-43-S)

WHEREAS, M. Allen Schlendorf, for Saddle Bergstein, owner (Spareway Food Products Company, lessee), filed September 30, 1943, an appeal from a decision of the borough superintendent, affecting 203 Clifton place, north side, 90 ft. west of Bedford avenue (Block 1950, Lot 41), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent dated September 21, 1943, on Alt. Applic. 2669-43, reads:

"1. Provide two means of exit complying with Section 270 of the Labor Law from the second floor. Note.

A ramp is not an acceptable exit under the Labor Law."

and
WHEREAS, the applicant states that the building is 2 stories (22 ft.) in height; 80 ft. by 90 ft. in area; of Class 3 construction; erected in 1917; located in an unrestricted use district and used as follows: cellar, boiler room; 1st floor, public garage; second floor, public garage, pursuant to Certificate of Occupancy 3328 issued December 19, 1917, on N. B. Applic. 1052 of 1917, and proposed to be used and occupied as follows: Cellar, boiler room; 1st floor, pickling and food processing, 20 persons; 2nd floor, factory and warehouse, 11 persons; that the building is equipped with a concrete ramp leading from 2nd floor to street and two fire escapes, one at front and one at rear of building leading to roof by ladder and to grade by stairs with egress from termination of rear fire escape to street or through 1st floor of building to adjacent yard and that the windows on the course of the fire escape are wood frame and sash and doors are kalamein; and

WHEREAS, the applicant contends that it is proposed to convert the present garage building into a food processing plant, housing 11 persons on the 2nd floor; that the building has a fireproof 2nd floor and is roofed with a wood roof fire retarded on 2nd floor ceiling; that present exit facilities consist of an 8 ft. concrete ramp extending directly down to the street from the second floor, separated from the first floor by means of an 8 in. brick wall, and a 4 ft. wide counter-balanced steel stair on the front of the building remote from the ramp; that there is also an exterior stair 4 ft. wide leading to rear yard; that the present exits are as safe and more direct than the requirement for two enclosed stairways within the structure and that the occupants are as secure under the present facilities as they would be if the law was complied with.

Resolved, that the decision of the borough superintendent on Alt. Applic. 2669-43, Objection 1, be and it hereby is affirmed and that the appeal be and it hereby is denied.

468-43-S

APPLICANT—Christian J. Wolfe, for Rockwood and Company, owner.

SUBJECT—Variation of the labor law as cited in decision of the borough superintendent.

PREMISES AFFECTED—39-41 Waverly avenue, east side, 133 ft. 2 in. north of Park avenue (Block 1874, part of Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Christian J. Wolfe.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy. 4
Negative 0

THE RESOLUTION (468-43-S)

WHEREAS, Christian J. Wolfe, for Rockwood and Company, owner, filed September 30, 1943 an appeal from a decision of the borough superintendent, affecting premises 39-41 Waverly avenue, east side, 133 ft. 2 in. north of Park avenue (Block 1874, part of Lot 1), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent dated September 27, 1943 on Alt. Applic. 1582-43 reads:

"1. Two enclosed stairs complying in all respects with Sect. 270 of the Labor Law are required in this building."

and

WHEREAS, the applicant states that the building is 7 stories (92 ft. 9 in.) in height, 44 ft. by 103 ft. in area, of Class 1 construction, erected in 1919, located in an unrestricted use district and used throughout for storage and manufacturing—4 persons in the cellar, 8 on the 1st floor—7 on the 2nd floor—2 on the 3rd floor—4 on the 4th floor—1 on the 5th floor—6 on the 6th floor and 2 on the 7th floor; that the building is equipped with a two source automatic sprinkler system, interior fire alarm system and fire drills are not maintained; and

WHEREAS, the applicant contends that Alt. Applic. 1582-43 was filed to obtain a Certificate of Occupancy; that the applicant's building No. 8, which is the building in question and the adjoining building No. 5, are both 7 story fireproof buildings with floors level and separated by a fire wall equipped with self-closing fire doors on all floors; that building 8 and building 5 are considered as one unit for exit purposes; that interior stairway (marked No. 1 on plans filed with this appeal) is on the Waverly avenue front and serves both buildings; that outside steel stairs (marked Nos. 2 and 3 on plans filed with this appeal) are enclosed with brick fire walls to a height of 12 ft. above the roofs of adjoining three story brick buildings (marked Nos. 6 and 10 on plans filed with this appeal); that these outside steel stairs are 44 in. wide with regulation treads, platforms and railings; that the apparatus for chocolate manufacturing located in building No. 8 is automatically controlled and requires a total of 34 employees on all seven floors averaging about 4 persons per floor; that the three elevators shown on plans are equipped with vertical Peelee sliding doors.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the Labor Law as cited in a decision of the borough superintendent, acting on Alt. Applic. 1582-43, and that the application be and it hereby is granted as to Objection 1, on condition that stairways Nos. 1, 2 and 3 shall be maintained as proposed and as shown on plans filed with this appeal marked "Received September 30, 1943"; that the occupancy of buildings Nos. 5 and 8 above the third story, shall not exceed the lawful capacity of stairway No. 1; that the sprinkler system and interior fire alarm system shall be maintained in accordance with the requirements therefor and to the satisfaction of the fire commissioner; that in all other respects the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that this variance shall continue only so long as the occupancy above the 4th floor does not exceed the number of persons as stated.

476-43-A

APPLICANT—Robert D. Kohn, for R. H. Macy and Company, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—1317-1329 Broadway, west side, from West 34th to West 35th streets, 105-173 West 34th street, 108-166 West 35th street and 441-459 Seventh avenue (Block 810, Lot 1), Borough of Manhattan.

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APPEARANCES—

For Applicant: John J. Knight.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy. 4
Negative 0

THE RESOLUTION (476-43-A)

WHEREAS, Robert D. Kohn, for R. H. Macy and Company, Inc., owner, filed September 30, 1943, an appeal from a decision of the borough superintendent, affecting premises 1317-1329 Broadway, 105-173 West 34th street, 441-459 Seventh avenue and 108-166 West 35th street (Block 810, Lot 1), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent dated September 20, 1943 on B. N. Applic. 1566-43 reads:

"1. The proposed construction of combustible subdividing partitions in a class 1 fireproof structure more than one hundred and fifty feet in height is contrary to Section 10.9.2.5 of the N. Y. Building Code.

2. The proposed use of interior combustible furring for the sidewalls and upper part of the show windows in class 1 fireproof building over one hundred and fifty feet in height is contrary to Sec. 10.9.2.3, N. Y. Building Code."

and

WHEREAS, the applicant states that the building is 19 stories and penthouse (286 ft. 9 in.) in height, 680 ft. 2 in. by 197 ft. 6 in. in area, of Class 1 construction, erected in 1898, through 1930, located in a business use district and occupied throughout as a department store; that the building is equipped with a two source sprinkler system, interior fire alarm system, standpipe system, and fire drills are maintained; that there are nine interior fireproof stairs and one fire tower leading from roof to street; and

WHEREAS, the applicant contends that the bulk of the work now objected to by the Department of Housing and Buildings has been in existence since 1938, at which time the premises 163-165 West 34th street was occupied by the owner as a shoe shop; that this portion was vacated July 1943 and leased to a shoe store, who made a few minor alterations, such as shifting partitions on the street floor under mezzanine two or three feet to the south to the position shown on plans filed with the borough superintendent; that this portion of the premises has a total area of 3,150 sq. ft. of which 1,935 sq. ft. is sales area; that this portion of the building is entirely cut off from the balance of the building by masonry walls and partitions without openings except to the street; that the premises are protected by a two source sprinkler system; that it is requested that the Board permit the conditions to remain for the duration of the lease, after which time the work objected to by the borough superintendent, will be removed; that it will be a great hardship to comply with the Code at this time, due to the necessity for using critical materials and that there is no hazard involved in the present condition.

Resolved, that the decision of borough superintendent acting on B. N. Applic. 1566-43, Objections 1 and 2, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that no additional interior partitions or furring shall be installed; that the existing partitions and furring as proposed, shall be continued only during the term of the present lease expiring December 31, 1948, but only so long as the premises are occupied as proposed by the lessee, as a retail shoe shop; that the sprinkler system shall be maintained in accordance with the requirements and to the satisfaction of the fire commissioner.

509-43-A

APPLICANT—Lama and Proskauer, for Green Bus Lines, Inc., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—48-15 Rockaway Beach boulevard, southeast corner of Beach 49th street (Block 336, Lot 60), Edgemere, Borough of Queens.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy. 4
Negative 0

THE RESOLUTION (509-43-A)

WHEREAS, Lama and Proskauer, for Green Bus Lines, Inc., owner, filed on October 26, 1943, an appeal from a decision of the borough superintendent, affecting premises 48-15 Rockaway Beach boulevard, southeast corner, Beach 49th street (Block 336, Lot 60), Edgemere, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated October 14, 1943, on Misc. Applic. 2690-43, reads:

"The use of the existing oil storage tank, having a capacity in excess of 550 gallons, for the proposed storage and use of gasoline is contrary to the provisions of C19-69.0(a) of the Administrative Code."

and

WHEREAS, the applicant states that the premises consist of a plot fronting 106.35 ft. on Rockaway Beach boulevard, with a depth of 166.10 ft. therefrom, upon which there exists a one story building, 16 ft. in height, 86.29 ft. by 165.17 ft. in area; of Class 3 construction; erected 1918; located in a residence use district and used formerly as a public garage, and proposed to be used for the storage of buses of the Green Bus Lines, Inc.; and

WHEREAS, the applicant states that it is proposed to install a 1,050 gallon gasoline storage tank; that owing to the shortage of gasoline, it is necessary to have a sufficient quantity of gasoline stored on the premises as the garage is used for the housing of the buses; and

WHEREAS, the applicant contends that plans filed with the borough superintendent, indicate that there is an existing 550 gallon gasoline storage tank located in the westerly portion of the plot near Rockaway Beach boulevard frontage and that it is proposed to install an additional tank north of the existing tank; that the proposed tank is to be 1,050 gallons capacity, located 2 ft. below the lowest level within 10 ft., provided with one and one-half inch vent extending 10 ft. above roof and 10 ft. from any exposure with double goose neck and fire screen and that it is proposed to install approved type fill box at curb and connect the suction line to an existing approved type pump; that the existing tank and pump and the proposed tank are to be located under an existing open shed as indicated on plan filed with the borough superintendent; that the proposed tank will be encased in 12 in. of concrete on sides and bottom, 16 in. of earth fill on top covered with 8 in. reinforced concrete slab; that examination of Building Department records indicates that two 550 gallon gasoline tanks were installed at the side yard on the east side of the building under Misc. Applic. 4441-35.

Resolved, that the decision of the borough superintendent acting on Misc. Applic. 2690-43 be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that in all other respects, except as to the capacity of the tank, the installation shall comply with the requirements of the Administrative Code for a gasoline tank; that the construction of the tank shall comply with the re-

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quirements of the Oil Burner Rules of the Board, for a tank of similar capacity; that this variance shall continue only so long as the premises are used exclusively as a garage for the Green Bus Lines and the tank in question is used only as proposed in connection with the gasoline supply for such buses.

527-43-A

APPLICANT—The F. and M. Schaefer Brewing Co., owner.

SUBJECT—Appeal from a decision of the borough superintendent and an order of the fire commissioner.

PREMISES AFFECTED—420-426 Kent avenue, southwest corner of South 8th street and 3-5 South 9th street (Block 2134, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Frank W. Rickers.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (527-43-A)

WHEREAS, F. and M. Schaefer Brewing Company, owner, filed November 4, 1943, an appeal from an order of the fire commissioner and a decision of the borough superintendent, affecting premises 420-426 Kent avenue, southwest corner of South 8th street and 3-5 South 9th street (Block 2134, Lot 1), Borough of Brooklyn; and

WHEREAS, Order 95852-C, issued by the fire commissioner October 29, 1943, reads:

"1. Surrender to the bearer Fire Department Permit No. 115333, issued November 12, 1942, and expiring November 15, 1943, authorizing the storage of 90,050 gallons of fuel oil on above premises, as it is revoked for the reason that the proposed storage of 23,000 gallons of gasoline in one of the fuel oil storage tanks would be a violation of Section C-19.51.0-a-1, of the Administrative Code, which limits the storage of volatile inflammable oil to 550 gallons in a single tank."

and

WHEREAS, the decision of the borough superintendent, dated November 12, 1943, on Misc. Applic. 2418-43, reads:

"1. The storage of gasoline in tanks of a greater capacity than 550 gallons is contrary to Chapter 19.69.0 of the Administrative Code."

and

WHEREAS, the applicant states that it is proposed to use one of the existing fuel oil tanks situated in an underground vault in the open yard, for the storage of gasoline during the war emergency; that the current gasoline storage capacity of the plant is not sufficient to cope with variations in the gasoline supply in the harbor and to carry over for a prolonged shortage period; that each of the four fuel oil tanks has a capacity of 23,000 gallons and were installed in 1937 in a vault under Fire Dept. Applic. 721-38, and Building Department Application 4157-37.

Resolved, that the decision of the borough superintendent, acting on Misc. Applic. 2418-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the existing easterly fuel oil storage tank, within the vault, with a capacity of 23,000 gallons, shall have all connections with the other fuel oil tanks disconnected and a new fill line and vent line shall be installed, all complying with the requirements of the Administrative Code for such storage tank to be used for storage of gasoline as herein permitted; that gasoline drawn from this tank shall be through the existing Aqua system tanks which were permitted by the Board under Cal. 148-39-A with pumps located in the adjacent garage; that the fill

box at the tanks for filling fuel oil tanks shall be removed leaving only the fill line at the river bulkhead; that this variance shall continue only during the term of the present emergency; that during such time that this tank is reserved for the use of gasoline, it shall not be used for any other type of storage; that the installation shall be made satisfactory to the fire commissioner and whenever the tank and lines are restored for use as fuel oil, the connections shall be restored in accordance with the approval of the fire department under Applic. 721-38 and the tank shall be purged of all gasoline and retested.

549-43-A

APPLICANT—General Register Corporation (lessee), for Herbert Callman, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent and an order of the fire commissioner.

PREMISES AFFECTED—36-20 to 36-46 33rd street and 32-50 37th avenue, southwest corner (1st and 5th floors); (Block 601, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Saul Hammer.

For Administration: Fred Dahlem, Dep't of Housing and Buildings and Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (549-43-A)

WHEREAS, General Register Corporation, lessee, for Herbert Callman, owner, filed November 12, 1943 an appeal from an order of the fire commissioner and decision of the borough superintendent, affecting premises 36-20 to 36-46 33rd street and 32-50 37th avenue, southwest corner, 1st and fifth floors); (Block 601, Lot 1), Long Island City, Borough of Queens; and

WHEREAS, Order 11397-LF issued by the fire commissioner November 3, 1943, reads:

"You are hereby ordered and required within 30 days from the date of the service of this order, to:

1. Arrange all doors on 5th story so that same can be opened from both sides during working hours or obtain a variance from the Bd. of Standard & Appeals to provide approved panic bolts at said doors. Section 272 of the Labor Law."

and

WHEREAS, the decision of the borough superintendent dated November 3, 1943 on Misc. Applic. 2981-43 reads:

"The use of panic bolts in a factory is contrary to Section 272, Subd. 3 of the Labor Law."

and

WHEREAS, the applicant states that the building is 5 stories (125 ft.) in height, 470 ft. by 70 ft. in area, erected in 1915, of Class 1 construction, located in an unrestricted use district and used and occupied since 1940 as follows: 1st floor—tenant factory—75 persons; 2nd floor—manufacturing hosiery—250 persons; 3rd floor—manufacturing hosiery—150 persons; 4th floor—manufacturing stationery—150 persons; 5th floor—manufacturing picture frames, ticket issuing machines and fire control instruments—230 persons; that Certificate of Occupancy 1526 issued June 10, 1925, permitted the use of the building throughout as a factory, number of persons not stated; that the building is equipped with five 5 ft. wide fireproof stairways leading from street to roof; and

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WHEREAS, violation 224. was issued October 28, 1943, for equipping five exit doors with panic bolts on the fifth floor in violation of section 272, Sub. 3, of the Labor Law; and

WHEREAS, the applicant contends that it is engaged in the manufacture of fire control instruments and other precision instruments as a prime contractor for the U. S. Navy; that the building is equipped with a two source sprinkler system and standpipe system; that the Plant Security Division of the Second Service Command has deemed it necessary that panic bolts be installed on doors on the first and 5th floors and the applicant requests a variation from the requirements of the Labor Law, so as to permit the installation of the panic bolts as proposed; and

WHEREAS, the applicant has filed a copy of a communication dated October 14, 1943 from the U. S. Army Second Service Command recommending the installation of panic bolts on the northwest door to yard and west side center door to stairway on 1st floor and northeast door to stairway, north end door between shop area and north end elevator lobby, west side center door to stairway and southwest door to stairway on the 5th floor.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the borough superintendent, acting on Misc. Applic. 2981-43, and that the application be and it hereby is *granted on condition* that panic bolts shall be installed only on the exit doors as proposed on the first and fifth floors where marked on plans filed with this appeal marked "Received November 12, 1943," except that on the fifth floor, no panic bolt shall be installed on the door from the rear stairway leading to the elevator vestibule; that a guard shall be maintained in the elevator vestibule at all times during working hours; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that this variance shall continue only during the term of the present emergency; that a corrected Certificate of Occupancy shall be obtained listing the permitted occupants per floor.

600-41-A

APPLICANT—Alexander's Department Store, Inc., lessee; Level Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and rehearing as to sign in view of new facts—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—2501 Grand Concourse and 2508 Creston avenue, northwest corner (Block 3167, Lot 1), Borough of The Bronx.

APPEARANCES—

For Applicant: Sidney Daub, George Farkas and J. Norman Lewis.

For Administration: Fred Dahlem, Dep't of Housing and Buildings

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (600-41-A)

WHEREAS, this appeal from a decision of the acting borough superintendent, affecting premises 2501 Grand Concourse and 2508 Creston avenue, northwest corner (Block 3167, Lot 1), Borough of The Bronx, was granted by the Board on July 22, 1941, on certain conditions, resolution amended on February 9, 1943 and the applicant requested a further amendment of the resolution; and

WHEREAS, the decision of the Board of July 22, 1941, was subject to court review, under which the Board's de-

cision was reversed at Special Term, Supreme Court, but upon further review by the Appellate Division, the decision at Special Term was reversed and the decision of the Board unanimously reinstated; and

WHEREAS, the Board of Estimate, upon the recommendation of the Planning Commission, adopted a zoning change, involving an amendment of use district map, changing from a business use district to a retail-1 use district the area along Fordham road, both sides from Jerome avenue to Webster avenue, which area includes the premises in question; and

WHEREAS, in a Retail-1 use district there is no limitation as to business and advertising signs (including bill-boards); and

WHEREAS, a request dated October 22, 1943, was received for a reconsideration of the action taken on July 22, 1941, as to Objection 10 of Alteration Application 528-41 in view of a new decision of the Borough Superintendent dated October 13, 1943, Objection 5 of Roof Sign Application 1 of 1943.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on July 22, 1941, as amended on February 9, 1943, so that as amended, the resolution shall read:

"Resolved, that the decision of the borough superintendent, on Alt. Applic. 528-41, Objection No. 2, be and it hereby is *modified* and the appeal be and it hereby is *granted on condition* that the proposed two stories do not exceed a total of approximately 58 ft. or the equivalent height of the existing four story building adjoining; as to Objection 9, that a standpipe system need not be installed provided the building is sprinklered throughout with a system of not less than two sources; as to Objection 10, that the appeal be and it hereby is *denied* without prejudice to filing a proper application for a zoning variance *or unless the district in which the premises are located is changed to a Retail 1 district*; that in all other respects the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as varied by the Board under Cal. 1436-24-A and 229-41-A."

722-42-A

APPLICANT—Sidney Daub, for Level Realty Corporation, owner (Alexander's Department Stores, Incorporated, lessee).

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from decisions of the borough superintendent.

PREMISES AFFECTED—2515 Grand Concourse, westside, 106.34 ft. north of East Fordham road (Block 3167, Lot 76), Borough of The Bronx.

APPEARANCES—

For Applicant: Sidney Daub, George Farkas and J. Norman Lewis.

For Administration: Fred Dahlem and Henry Phoney, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (722-42-A)

WHEREAS, this appeal from decisions of the borough superintendent, affecting premises 2515 Grand Concourse, west side, 106.34 ft. north of East Fordham road (Block 3167, Lot 76), Borough of The Bronx, was granted by the

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Board on February 9, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on February 9, 1943, so that as amended, the resolution shall read:

"Resolved, that the decisions of the borough superintendent on Alt. Applic. 439-42, Objection 11, on Computation Applic. 1-43, Objection 2, be and they hereby are *modified* and that the appeal be and it hereby is *granted*, to permit the portions of the multiple dwelling on the third and fourth floors, as indicated on plans filed with this appeal, to be occupied for business purposes similarly to the first and second floors, as permitted under Alt. 248-38 by the borough superintendent, in conjunction with the adjoining department store to the south, *on condition* that the floor load of the third and fourth floors shall not be less than 45 lbs. per superficial foot; that the approved floor loadings shall be posted; that the third and fourth floors shall be occupied for office work only; that the stairway constructed through the first and second floors and existing to the outer court shall be continued to the third and fourth floors; that such stairway shall be enclosed for its full length with a fireproof partition similar to the construction approved by the borough superintendent under Alt. Applic. 248-38; that the ceiling of the fourth story for this section shall be fire-retarded; that the doors opening to the public hall on the third and fourth floors shall remain accessible for additional means of exit but shall not be normally used by the occupants of the office space; that the proposed openings in the fire wall between this building and the building adjoining at 2501 Grand Concourse shall comply with the requirements for exit openings in fire walls and the doors shall be fireproof and self-closing; in accordance with Section C26-296.0 Paragraph 4; that no roller curtains shall be installed; that the roller curtain now installed at the second story party wall shall be removed and a fireproof door installed in its place; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that this modification shall continue only so long as the premises are occupied as proposed for office work in connection with the adjoining department store operated by Alexanders; that an amended Certificate of Occupancy shall be obtained.

Resolved further, that the construction of the proposed enclosed fireproof stairway may be postponed during the term of the present emergency, provided the occupancy of the third and fourth floors shall be for office work only and the number of persons on each floor shall not exceed eight, and provided that at all times the access through the protective openings to the department store shall be available on each floor as well as access to the exterior fire escape."

415-43-A

APPLICANT—S. J. Kessler and Son, for Havemeyers and Elder, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—70-76 Kent avenue and 38-42 North 10th street, southwest corner (Block 2301, part of Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: John T. Briggs.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (415-43-A)

WHEREAS, this appeal from an order of the fire commissioner, affecting premises 70-76 Kent avenue and 38-42 North 10th street, southwest corner (Block 2301, part of Lot 1), Borough of Brooklyn, was granted by the Board on September 28, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on September 28, 1943, so that as amended this resolution shall read:

"Resolved, that the order of the fire commissioner, Order 10922-LF, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the existing standpipe be made to comply with the requirements for a building requiring a standpipe system as soon as material is available therefor or the standpipe system shall be entirely removed; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that the existing cross wall as indicated on plans filed with this appeal marked 'Received August 27, 1943,' shall continue on all floors; that in the meantime, such notice shall be attached to the standpipe as the fire commissioner shall direct, indicating that the system is out of service."

Adjourned: 4:15 P. M.

JOSEPH J. DOYLE, Chief Clerk.

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held on September 28, 1943, as they appeared in Bulletin No. 40, Vol. 28, are hereby corrected to read as follows:

THE RESOLUTION (320-37-BZ)

WHEREAS, this application under section 7a of the zoning resolution, permitting in a residence use district, the extension of an existing factory building, affecting premises 901 East 228th street, east side of Bronxwood avenue, between East 228th street and East 229th street (Building No. 2); (Block 4864, part of Lot 35), Borough of The Bronx, was granted by the Board October 19, 1937 on certain conditions, time extended October 4, 1938, October 10, 1939, September 10, 1940, September 23, 1941 and September 29, 1942; and

WHEREAS, *this application, under sections 7e and 21 of the zone resolution, permitting in a residence use district, the extension of the existing factory building, affecting premises 916-924 East 229th street, south side 75 ft. east of Bronxwood avenue (Block 4864, Lots 58, 59, 60, 61 and 62), Borough of The Bronx, was granted by the Board on May 6, 1941, under certain conditions and time to complete extended September 23, 1941 and September 29, 1942; and*

WHEREAS, *the applicant requested a further extension of time to complete the work of both projects.*

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of October 19, 1937, as amended through September 29, 1942, only so far as it refers to the time within which to obtain permits and complete the work, so that as amended, that portion of the resolution shall read:

"that all permits shall be obtained and all work completed within one year from the date of this amended resolution."

*Correction—As contained in italics in preamble clauses two and three.

RULES

RULES FOR ERECTION, ALTERATION, REPAIR, EXCAVATION FOR AND DEMOLITION OF BUILDINGS

Adopted by The Board of Standards and Appeals, October 26, 1943, Effective December 13, 1943.

(784-41-SR)

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraphs 3 and 4, Charter, City of New York and C26-189.0, C26-191.0, C26-689.0 of the Administrative Building Code.

PURPOSE.

It is the purpose of these rules to carry out the intent of Sec. C26-3.0 of the Administrative Building Code and to supplement the present requirements of the Administrative Building Code and to enforce and to supplement the present requirements of the Labor Law in relation to the erection, alteration, repair, excavation for and demolition of buildings within The City of New York and the protection of the public and persons engaged in the work involved.

SCOPE.

These rules shall be applicable to all structures or any parts thereof coming within the purview of the Administrative Building Code and the Labor Law and shall include scaffolding, hoists, ladders, derricks and other equipment as may be used in the erection, alteration, repair, excavation for or demolition of a structure or any part thereof.

ENFORCEMENT.

The enforcement of these rules shall be by the agencies of The City of New York, having jurisdiction.

Where the terms "Commissioner," "superintendent" or "department" occur in these rules, they are intended to refer to the Department of Housing and Buildings, unless specifically designated otherwise.

PERMITS AND NOTICES THEREOF.

Permits for the erection or alteration of a structure or any part thereof shall meet the requirements of C26-161.0, for the removal or repair of a structure or any part thereof, Section C26-193.0, and for demolition of any structure or part thereof C26-168.0.

INDEX.

- Sec. 1—Definitions.
- " 2—General Requirements.
- " 3—Excavation Operations.
- " 4—Construction of Buildings and Structures.
- " 5—Repair and Alteration Operations.
- " 6—Demolition Operations.
- " 7—Equipment.

NOTE—References given herein preceded by C26- refer to specific sections of the Administrative Building Code. Wherever decimal numbers occur, such system of numbering refers to these rules.

1.0 DEFINITIONS.

1.1 C26-11.0 Alteration—The term "alteration," as applied to a building or structure, shall mean any change or rearrangement in the structural parts or existing facilities of any such building or structure, or any enlargement thereof, whether by extension on any side or by any increase in height, or the moving of such building or structure from one location or position to another.

1.2 Approved—The term "approved" shall mean any material, device or method of construction as may be approved by the Board. See C26-14.0.

1.3 Bearer—The term "bearer" shall mean a scaffold member upon which the platform rests and which is supported by ledgers.

1.4 Board—The term "Board" shall mean the Board of Standards and Appeals of The City of New York. See C26-25.0.

1.5 Boatswain's Chair—The term "boatswain's chair" shall mean a seat supported by rope slings attached to a suspension rope and designed to accommodate one workman in a sitting position.

1.6 C26-41.0 Construction—The term "construction" shall mean and include alterations, repairs and operations incidental to construction. The foregoing definition is taken from the Administrative Building Code, but for the purposes of these rules, construction shall be further defined as erection, alteration, repair, renovation or demolition of any building or structure and any excavation work in connection therewith.

1.7 Construction Site—The term "construction site" shall mean that area within which construction operations are performed and shall include contiguous areas affected by the construction.

1.8 C26-45.0 Curb—a. The term "curb," when used in defining the height of a structure, shall mean the legally established level on the curb in front of the structure, measured at the center of such front. When a building faces on more than one street, the term "curb" shall mean the average of the legally established level of the curbs at the center of each front.

b. The term "curb," when used in fixing the depth of an excavation, shall mean the legal curb level at the nearest point of that curb which is nearest to the point of the excavation in question.

1.8.1 C26-45.1 Curb Levels—Where no curb has been established, a curb level shall be established by the agency empowered to fix curb levels.

1.8.1.1 C26-45.2—When an open unoccupied space in front of any multiple dwelling is above the curb level, and also extends along the entire street lot line on any street and is not less than five feet in depth, the level of such open unoccupied space shall be considered the curb level, provided it is not more than three feet above the level of the established curb in front of the building measured at the center of such front.

1.8.2. C26-89.0 Legal Curb Level—The term "legal curb level" shall mean the curb level established by the borough president for Class 4 residence structures. See C26-254.0i.

1.9 Demolition—The term "demolition" applied to a building or structure shall mean the taking down or razing of the structure to any level.

1.10 C26-60.0 Elevator—(a) The term "elevator" shall mean a hoisting and lowering mechanism equipped with a cab or platform which moves in guides in a substantially vertical direction.

(b) The term "elevator" shall exclude dumbwaiters, hoists, endless belts, conveyors, chains, buckets and similar machines used for the purpose of elevating materials, and tiering or piling machines.

1.11 Equipment—The term "equipment" shall mean all types of construction machinery, including tools, derricks, hoists, elevators and other material-handling equipment, scaffolds, platforms, runways, ladders and all similar equipment, safeguards, protective devices as may be used in construction operations.

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- 1.12 Erection**—The term "erection" shall mean the construction of any structure.
- 1.13 Guard Rail or railing** shall mean a guard rail or railing complying with the requirements of Rule 7.13.
- 1.14 Hoist**—The term "hoist" shall mean a hand or power-operated device capable of raising or lowering a platform, cage, bucket, sling or hook.
- 1.15 Horse**—The term "horse" shall mean an assembly consisting of a bearer with four or more legs fastened and braced thereto in a manner to provide a rigid, stable and portable support for working platforms.
- 1.16 Inspection**—The term "inspection" shall mean inspection by the borough superintendent, unless specifically designated otherwise herein.
- 1.17 Ladder**—The term "ladder" shall mean an item of equipment designed to provide means of ascending or descending and consisting of side rails joined at suitable equal intervals by cross pieces called rungs, cleats or treads.
- 1.17.1 Cleat Ladder**—The term "cleat ladder" shall mean a one-section ladder having steps formed of cleats housed into the narrow face of the side rails.
- 1.17.2 Construction or Builder's Ladder**—The term "construction or builder's ladder" shall mean a single or straight ladder consisting of but one section.
- 1.17.3 Crawling Board or Chicken Ladder**—The term "crawling board or chicken ladder" shall mean a single plank or board to which cleats are nailed at proper intervals.
- 1.17.4 Extension Ladder**—The term "extension ladder" shall mean a ladder of two or more sections traveling in guides or brackets, which are so arranged that the ladder may be adjustable to various lengths.
- 1.17.5 Extension Trestle Ladder**—The term "extension trestle ladder" shall mean a ladder consisting of a trestle ladder with an additional single ladder section having parallel sides, which is fastened to the top of the trestle ladder but which can be adjusted to various heights.
- 1.17.6 Sectional Ladder**—The term "sectional ladder" shall mean a ladder consisting of two or more sections so constructed that the sections can be combined end to end so as to function as a single ladder.
- 1.17.7 Single Ladder**—The term "single ladder" shall mean a ladder of but one section, the side rails of which may be constructed so as to be parallel or so constructed as to have a wider spread at the bottom.
- 1.17.8 Step-ladder**—The term "step-ladder" shall mean a ladder with wide flat steps secured to the side rails and constructed with a hinged section so as to be self-supporting.
- 1.17.9 Trestle Ladder**—The term "trestle ladder" shall mean a ladder consisting of two similar single ladder sections hinged together at the top and which, when used with the sections spread, is self-supporting.
- 1.18 Ledger**—The term "ledger" shall mean the scaffold member which extends from post to post and which supports the put-logs or bearers and forms a tie between the posts.
- 1.19 Put-Log**—The term "put-log" shall mean the scaffold member of a single pole scaffold, which is supported at one end by a ledger and at the other end by the wall and is used for supporting the platform.
- 1.20 Ramp**—The term "ramp" shall mean an inclined runway.
- 1.21 Repair**—The term "repair" as applied to a building or structure shall mean the replacing of parts of said structure damaged or defective or requiring removal and replacement for any cause.
- 1.22 Roofing Bracket**—The term "roofing bracket" shall mean a bracket used in sloped roof construction, having sharp points or provisions for nailing to prevent slipping or which is supported by ropes passing over the ridge and secured to a permanent object.
- 1.23 Runway**—The term "runway" shall mean an aisle or walkway constructed or maintained as a passageway.
- 1.24 Scaffold**—The term "scaffold" shall mean any elevated platform used for supporting workmen, material or both.
- 1.24.1 Bricklayer's Square Scaffold**—The term "bricklayer's square scaffold" shall mean a scaffold, the platform of which is composed of planks supported on built-up squares, secured to each other by diagonal bracing.
- 1.24.2 Carpenter's Bracket Scaffold**—The term "carpenter's bracket scaffold" shall mean a scaffold the platform of which is composed of planks supported in triangular shaped brackets firmly secured to the side of the building.
- 1.24.3 Heavy Duty Scaffold**—The term "heavy duty scaffold" shall mean a scaffold designed and constructed to carry a working load of seventy-five (75) pounds per square foot, such as intended for the use of stone masons or other similar trades, which supports in addition to the workmen a supply of heavy building material.
- 1.24.4 Horse Scaffold**—The term "horse scaffold" shall mean a scaffold the platform of which is supported by horses as defined in Rule 1.15.
- 1.24.5 Independent Pole Scaffold**—The term "independent pole scaffold" shall mean a scaffold supported from the base of a double row of uprights, independent of support from the walls, and constructed of uprights, ledgers, horizontal bearers, etc.
- 1.24.6 Ladder Jack Scaffold**—The term "ladder jack scaffold" shall mean a scaffold the platform of which is supported by appropriately designed brackets or jacks attached to the side rails of ladders.
- 1.24.7 Light Duty Scaffold**—The term "light duty scaffold" shall mean a scaffold designed, and constructed to carry a working load of twenty-five (25) pounds per square foot, such as intended for the use of carpenters, painters or others of similar trades, which supports no load other than the workmen and a minimum amount of lightweight material.
- 1.24.8 Needle Beam Scaffold or Riveter's Scaffold**—The term "needle beam scaffold or riveter's scaffold" shall mean a scaffold consisting of a plank platform supported by parallel horizontal beams which are supported by and swung on ropes.
- 1.24.9 Outrigger Scaffold**—The term "outrigger scaffold" shall mean a scaffold the platform of which is supported by outriggers projecting from the walls of the building with the inner end of the outrigger anchored within the building.
- 1.24.10 Regular Duty Scaffold**—The term "regular duty scaffold" shall mean a scaffold such as designed for the use of bricklayers, plasterers or others of similar trades, which supports in addition to workmen a moderate amount of material.

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1.24.11 Single Pole Scaffold—The term "single pole scaffold" shall mean a scaffold supported from the base with but one row of uprights located at the outer edge of the platform. The platform is supported by cross beams or putlogs, the outer ends of which are supported on ledgers secured to the uprights and the inner ends are anchored in or on the wall.

1.24.12 Suspended Scaffold—The term "suspended scaffold" shall mean a scaffold, the platform of which is supported from above at more than two points by wire cables or suspended from overhead outriggers which are securely anchored to the frame of the structure, and which platform is raised or lowered by the use of hoisting devices located on the outriggers or on the platform.

1.24.13 Swinging Scaffold—The term "swinging scaffold" shall mean a scaffold, the platform of which is supported by stirrups or hangers at not more than two points and which is suspended from overhead supports so as to permit the raising or lowering of the platform to a desired position.

1.24.14 Window Jack Scaffold—The term "window jack scaffold" shall mean a scaffold the platform of which is supported by a properly designed bracket jack or outrigger which projects through a window opening.

1.25 Securely—The term "securely" shall mean that the object or member referred to is so fastened in place that the fastening in connection therewith is sufficiently strong to safely perform the required function.

1.26 C26-147.0 Structure—The term "structure" shall mean a building or construction of any kind.

1.27 Tier—The term "tier" shall mean a story or the structural framework of the floor level of a story.

2.0 GENERAL REQUIREMENTS.

2.1 Inspection of Devices and Equipment.

Before any scaffold, ladder, hoist, derrick, ramp, walkway or other equipment is used on any construction site, such equipment shall be inspected by the contractor or other competent person designated by him. Such inspection shall be thoroughly and carefully made and every defect or unsafe condition shall be corrected before using. Any unsafe equipment shall be precluded from use by posting the words "unsafe for use" thereon. Every scaffold, ladder, hoist, derrick or other equipment and every safety device and safeguard shall be maintained in good working condition at all times. The results of an inspection of all scaffolds are to be certified to the borough superintendent. See Sec. 240 Labor Law.

2.2 Construction and Maintenance of Equipment and Safeguards.

2.2.1 C26-555.0—All devices or equipment which are used in connection with the performance of work and regulated by this article, shall be constructed, installed and maintained in a substantial manner and so operated as to give proper protection to persons and shall not be removed, altered, weakened, or rendered inoperative so long as they are needed or in use, except as provided in section C26-553.0, unless so ordered by a person in responsible charge of the operation.

2.2.2. Metal, or fireproofed wood scaffolding tested as provided in C26-331.0 to C26-339.0, shall be used in all construction, repair or partial demolition in public buildings in which per-

sons are bedridden or detained or in which the occupancies are similar.

2.3 C26-553.0, a. Responsibility of Employees and Other Persons for Protection of the Public and Workmen.

(a) It shall be unlawful to remove or render inoperative any safeguard or sanitary convenience now provided, except where necessary during the actual installation of work or for the purpose of immediately repairing or adjusting such safeguards or conveniences, in which case they shall be immediately replaced. Every person shall be responsible for carrying out all rules which immediately concern or affect his conduct and shall use safety devices furnished for his protection.

2.4 Fire Extinguishers and Fire Protection.

At all times during construction operations, ready access to all fire hydrants and to outside connections for standpipes, sprinklers or other fire extinguishing equipment shall be provided and maintained and no material or equipment shall be placed within five (5) feet of such hydrant or connection. When buildings exceed 3 stories, a safe interior stairway or ladder located in each stair-well and properly secured at top and bottom shall be maintained.

Where a wood scaffold more than forty (40) feet in height is erected there shall be provided on each floor not less than one approved 2½ gallon fire extinguisher located in a position readily accessible to the scaffold.

Suitable placards indicating that fire extinguishers are kept in designated places shall be posted in conspicuous places.

At least one 40 gallon water cask with 4 approved round bottom buckets or a safety bucket tank and 5 buckets, or one 2½ gallon fire extinguisher shall be provided on each story and cellar for each 2500 square feet of floor area. In cold weather extinguishers shall be of the non-freezing type and bucket tanks and water casks shall be provided with a sufficient amount of calcium chloride or other approved material to prevent freezing.

Similar additional fire extinguishers shall be provided alongside each shed or locker room used by painters, carpenters and plumbers.

All loose paint, etc., shall be stored over night in approved storage bins and all overalls, jumpers, etc., in approved metal lockers.

All oakum and other combustible material kept in mechanics' lockers shall be stored in a metal cabinet.

All combustible waste material and debris shall be removed from the building after each day's work.

2.5 C26-1435.0 Standpipe Systems in Structures in Course of Erection.

(a) In structures under erection for which a standpipe system will be required, provision shall be made for the use of standpipes by the fire department whenever the construction has progressed so that floors are in place above the seventh story or more than seven-five feet above the curb level. The standpipe equipment thus provided may be a temporary installation.

(b) A temporary standpipe system shall be one which may be used for water supply during the construction operations. Temporary risers shall be at least four inches in diameter for structures of less than four hundred fifty feet in height and at least six inches in diameter for structures four hundred fifty feet or more in height. There shall be as many risers as will be required for the permanent system. Each such riser shall have a Siamese hose connection at the street level and be equipped on each floor enclosed in exterior walls with hose outlets equipped with two and one-half inch hose valves. The installations shall be made so that each riser, cross-connec-

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tion and branch line shall be watertight when work is not being done on the system. The location of the Siamese hose connection shall be placarded, kept free from obstruction, and indicated by a red light.

2.6 C26-1434.0 Elevators for Fire Department Use in Incompleted Structures.

In structures in course of erection where the work has progressed to a height of more than one hundred fifty feet, at least one elevator used for carrying passengers or employees shall be kept in readiness at all times for fire department use, and a competent elevator operator shall be available at all times unless the elevator is equipped with devices such that it can be safely operated by the fire department.

2.7 Salamanders and Other Heating Devices.

Salamanders and similar heating devices shall not be set up and used in any space which has not at least one window opening, unless each such heating device shall be provided with a sheet metal hood and a sheet metal pipe, extending from the hood to the outside air, to carry off the gases of combustion. Heating devices shall not be set directly upon combustible material but shall rest on beds of earth, sand or ashes not less than three (3) inches in thickness or on heavy metal plates, adequately insulated from the combustible material. The legs of the heating device shall rest on the insulating material. Such insulation shall extend beyond the device not less than two (2) feet on all sides.

Salamanders shall not be set up less than five (5) feet, in a horizontal direction, from any combustible material. Every heating device shall have not less than a five (5) foot clearance over head. All tarpaulins or canvas coverings shall be maintained not less than ten (10) feet from a heating device and such tarpaulins or canvas shall be securely fastened to prevent their being blown toward the salamander or heating device.

Wherever salamanders or other heating devices are used, fire protective equipment shall be maintained on each floor irrespective of area during the usage of such heating devices.

Salamanders used to prevent concrete or other materials from freezing shall be provided with water pans.

2.8 Electrical Hazards.

All electrical wiring and electrical equipment shall be installed and maintained in accordance with the provisions of the Electrical Code, Chapter 30, Title B, Administrative Code and temporary wiring rules supplemental thereto.

2.9 C26-554.0 Guarding of Machinery.

All dangerous moving parts of machines shall, where practicable, be adequately guarded.

All keys, set-screws, bolts or similar projections on shafts, pulleys, gears, collars, or couplings and other revolving members, where such projections are not counter-sunk or protected by location from accidental contact by a workman, shall be protected by smooth cylindrical safety sleeves of wood or metal surrounding the projection, or shall be guarded by a stationary enclosure of sheet metal, rigid wire mesh, rigid expanded metal or other similar material having openings which shall not exceed one-half ($\frac{1}{2}$) inch mesh.

2.10 Power Driven Saws.

All portable power-driven hand-operated saws which are not mounted upon saw tables shall be equipped with guards above the base plate which will completely protect the operator from contact with the saw when in motion and with self-adjusting guards below the base plate which will completely cover the saw to the full depth of the teeth when the saw is removed from the cut, or equally effective

guards shall be provided. Electrically driven portable saws shall also be subject to the requirements of Rule 7.18.3, "Electrical Tools".

Every power driven saw which is mounted with a saw table shall be equipped with a guard which shall cover the saw to such an extent so as to preclude contact with any part of the teeth of the saw which are more than two (2) inches above the saw table and which are not protected by the spreader or similar device. In operation, the guard shall automatically rise by pressure from the material or shall be so placed that as the saw cuts the material, the distance from the material to the underside of the guard does not exceed one-half ($\frac{1}{2}$) inch. The exposed teeth of the saw blade beneath the table shall be effectively guarded.

Every circular saw used for ripping shall be provided with a spreader securely fastened in position and with an effective device to prevent the kicking back of the material.

2.11 Mixing Machines.

The revolving blades of mixing machines of the trough type shall be guarded with a substantial woven wire or iron enclosure having openings not more than one-half ($\frac{1}{2}$) inch mesh.

2.12 Sprockets, Gears and Friction-Disc Drives.

Sprockets, gears and friction-disc drives, which are not protected by location from accidental contact by the workman, shall be completely enclosed or shall be provided with channel guards having side flanges extending beyond the roots of the teeth.

2.13 Belts, Pulleys and Fly-wheels.

All belts, except conveyor belts, and all pulleys and fly-wheels shall have all of their parts which are less than seven (7) feet above a floor or other working platform, or runway, and which parts are not protected from accidental contact by workmen because of location, guarded by substantial enclosures or by a standard railing and toeboard which shall be so installed as to prevent workmen from approaching within a horizontal distance of eighteen (18) inches from such belt, pulley and fly-wheel. Enclosures required under this rule may be temporarily removed when starting the machine or for the purpose of adjustment or maintenance, but such enclosure shall be replaced immediately thereafter.

2.14 Other Power Driven Machines.

Power driven machines not specifically covered by these rules shall be constructed, installed and maintained in a substantial manner, and operated and installed so as to afford adequate protection.

2.15 Dust.

All operations on every construction site shall be so conducted as to prevent, by safe and effective means, the raising of dust in such quantities as to obstruct the vision or impair the health of workmen.

In the sand-blasting of buildings, adequate provision shall be made to collect the dust and prevent its spread.

In demolition work materials causing dusting shall be wetted down.

2.16 Sidewalk Sheds, Barricades and Other Protection.

2.16.1 C26-557.0 Protection of Sidewalks.

Whenever a structure is to be constructed to exceed forty feet in height above the curb or whenever a structure more than twenty-five feet in height above the lowest point of the curb, is to be demolished, unless the street is officially closed during the construction or demolition, the owner shall erect and maintain safeguards during the period, as defined below, of such work as follows:

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2.16.2 C26-557.0,1 Sidewalk Sheds Required.

(a) If the structure is to be erected to a height exceeding forty feet above the curb, or if the structure to be demolished is more than twenty-five feet in height above the curb, then if the horizontal distance from the structure to the inside edge of the sidewalk, or to the inside edge of a temporary sidewalk erected by permission of the local authority having jurisdiction, is equal to one-half or less of the height of the structure, a substantial sidewalk shed shall be constructed over the sidewalk or temporary sidewalk in front of the structure.

(b) Regardless of the horizontal distance from the structure to sidewalk or temporary sidewalk, sidewalk sheds of adequate dimensions shall be erected when building materials are being moved over the sidewalk by means of derrick, hoist, or chute. The extent of such sidewalk sheds shall be as required by the superintendent.

2.16.2.1 Whenever any material or debris is moved or shifted by means of a derrick, hoist, chute or similar device over any sidewalk, passageway or walkway, which is not barred or closed to the workmen or to the public, a sidewalk shed shall be constructed over such sidewalk, passageway or walkway as provided for in Rule 2.16.3, "Sidewalk Sheds."

2.16.3 C26-557.0,2 Design of Sidewalk Sheds.

(a) Sidewalk sheds, where required, shall extend the entire length of the sidewalk in front of the structure, except that where construction work or demolition work on a structure erected before January first, nineteen hundred thirty-eight, involves only a portion of the structure, the superintendent shall prescribe the extent of sidewalk shed protection required.

(b) Such sidewalk shed shall be capable of sustaining safely a minimum live load of one hundred fifty pounds per square foot, but if such sidewalk shed is used for overhead storage of material, it shall be capable of sustaining safely a minimum live load of three hundred pounds per square foot. The members of the sidewalk shed shall be so connected, and such adequate bracing, shall be provided as may be necessary to resist the displacement of members or the distortion of the framework. The deck of the shed shall be built tight and of ample width, and where deemed necessary by the superintendent, shall extend over the entire width of the sidewalk, except for clearances of two feet from the building line and one foot from the curb. Such shed may extend beyond the curb to such extent as may, on the recommendation of the superintendent, be approved by the local authority having jurisdiction. If posts supporting the deck of the shed are placed beyond the curb, such posts shall be protected from displacement.

2.16.3.1 Sidewalk sheds shall not be less than eight (8) feet in height in the clear.

2.16.4 C26-557.0,3 Protection of Ends and Sides of Sidewalk Sheds.

(a) The outer side and ends of the deck of the shed shall be provided with substantial railings and toe boards, except that, in connection with the demolition of a structure originally more than twenty-five feet in height, or in connection with the erection of a structure which is to exceed seventy-five feet in height, the outer side and ends of the deck of the shed shall be provided with a substantial vertical enclosure, at

least forty-two inches high, of boards, laid close, or of galvanized wire screen at least No. 16 steel wire gauge, and of a mesh which will reject a ball five-eighths of an inch in diameter. Temporary openings shall be permitted in the railing or enclosure for handling material.

(b) With the consent of the owners of the adjoining property, the deck and protective guards of the sidewalk shed shall be extended parallel with the curb at least five feet beyond the ends of the face of the structure, or a protection the full width of the shed extending upward at an angle of forty-five degrees from the ends of the deck and outward a horizontal distance of at least five feet beyond the ends of the face of the structure. Such sloping protection shall be constructed with substantial outriggers, bearing on and securely attached to the deck of the shed. The decking of this latter protection shall be of closely laid boards or galvanized wire screen of at least No. 16 steel wire gauge and with a mesh which will reject a five-eighths inch ball. When such sloping end protection is installed, it shall take the place of the railing or enclosure required at the ends of the shed deck.

2.16.5 C26-557.0,4 Pedestrian Passageways Under Sidewalk Sheds.

Adequate passageways on the sidewalk shall be provided for pedestrians. Unless the top deck of the sidewalk shed is built solidly against the face of the structure in such a manner that no material can fall on the sidewalk, the side of the sidewalk shed toward the structure shall be sealed in a substantial manner with wood or other suitable material to a minimum height of eight feet above the sidewalk, except for such sliding gates, or gates swinging inward, as may be necessary for the proper prosecution of the work.

2.16.6 C26-557.0,5 When Sidewalk Sheds Are to Be Erected.

(a) When a sidewalk shed is required in connection with the erection of a structure, the construction of the structure shall stop at forty feet above the curb, unless and until such sidewalk shed has been completed. Such shed shall remain in place until the structure is enclosed, sash is glazed above the second story, masonry is cleaned down and all outside handling of material above the second story is completed.

(b) When a sidewalk shed is required in connection with the demolition of a structure, such sidewalk shed shall be completed before performing any work of demolition.

2.16.7 C26-557.0,6 Lighting of Sidewalk Sheds.

The under side of the sidewalk shed shall have sufficient natural or artificial light to insure safety, which light shall be maintained at all times.

2.16.8 C26-557.0,7 Fences Permitted in Lieu of Sidewalk Sheds.

If the structure to be demolished is more than twenty-five feet high above the curb, or if the structure is to be erected to a height exceeding forty feet above the curb, and if the horizontal distance from the structure to the inside edge of the sidewalk or relocated temporary sidewalk is between one-half and three-quarters of the height of the structure, a shed shall be constructed over the sidewalk as described above, or, in place of such shed, a substantial fence shall be constructed along the inside edge of such sidewalk or relocated temporary sidewalk or along the inside edge of the roadway, if permission to close the sidewalk has been granted by the superintendent. Such fence may

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be constructed outside of the curb to such extent as may, on the recommendation of the superintendent, be approved by the borough president, but in any event, such fence at its ends shall be returned to within two feet of the building line. Such fence shall be at least six feet high of wood or other suitable material and shall be built solid for its entire length, except for such openings provided with sliding gates, or gates swinging inward, as may be necessary for the proper prosecution of the work.

2.16.9 C26-557.0.8. Railings Permitted in Lieu of Sidewalk Sheds or Fences.

(a) If the structure to be demolished is more than twenty-five feet high above the curb, or if the structure is to be erected to a height exceeding forty feet above the curb, and if the horizontal distance from the structure to the inside edge of the sidewalk or relocated temporary sidewalk is three-quarters of the height of the structure or more, a shed or fence shall be constructed as described above, or in place of such shed or fence, a substantial railing shall be constructed along the inside edge of such sidewalk or relocated temporary sidewalk, or along the inside edge of the roadway, if permission has been granted to close the sidewalk. Such railing at its ends shall be returned to within two feet of the building line and shall be continuous for its entire length, except for such openings, provided with movable bars as may be necessary for the proper prosecution of the work.

(b) At the discretion of the superintendent, thrustout platforms or other suitable protections may be substituted for sidewalk sheds, fences and railings during alterations or under other conditions which in his judgment permit of such substitution. It shall be unlawful to use such thrustout platforms or other protections for the storage of material.

C26-558.0 Foot Bridges—When a foot bridge is used to support the temporary sidewalk in front of a structure during construction or demolition, it shall be substantially built to sustain safely a minimum live load of one hundred fifty pounds per square foot. Such foot bridge shall be provided with hand-rails on both sides and shall be provided at both ends with substantial steps with hand-rails or with inclined ramps with hand-rails and with cleats to prevent slipping.

2.16.10 Sidewalk Sheds—When to Remove.

Sidewalk sheds shall remain in place until the structure is completed as provided in Rule 2.16.6 or in the case of demolished portions, until the building or structure has been razed to a point within the height of the shed.

2.16.11 C26-555.1 Protection of Floor Openings.

All floor openings within a building in the course of construction shall be enclosed or fenced in on all sides by a barrier of suitable height, except on those sides which may be used for the handling of materials hoisted through such openings, or at which stairs or ladders land; provided, that such sides, other than landings, shall be guarded by an adjustable barrier not less than three nor more than four feet from the floor and not less than two feet from the edge of such opening.

2.16.11.1 This requirement shall also apply to structures being repaired, altered or demolished. For additional requirement as to floor openings in buildings being demolished see Rule 6.15.

2.16.12 Danger Signs and Lights.

Every material pile, every obstruction to the public on a sidewalk or on a street, and every excavation or opening immediately adjacent to a street or public thoroughfare unless protected by a standard guard rail shall be indicated during daylight hours by red flags or signs placed at intervals of not more than twenty (20) feet. During twilight hours and during the night there shall be provided at such point where a sign or a flag is required, a red lantern, red light or an oil flare, which shall be kept burning from sundown to sunrise.

Danger signs shall also be provided when hoisting material over the sidewalk or street.

2.16.13 Slippery and Other Unsafe Conditions.

Every sidewalk, walkway, runway, passageway, stairway, scaffold, platform and every other working area shall be maintained free from ice, grease and other conditions which may render such surface slippery and dangerous. All such places shall be kept free from debris and shall be maintained in safe condition without obstructions which may constitute a tripping or falling hazard.

2.16.14 Illumination.

Every sidewalk, passageway, walkway, runway, stairway and every working area shall at all times during use be provided with natural or artificial illumination of not less than two (2) foot candle intensity measured at the floor or walking surface. See Appendix Table I.

2.16.15 Sizes and Stresses of Materials to Be Used Over All Protective Equipment.

Materials, sizes and stresses shall be as provided in Rule 7.2.

2.16.16 Protection of Trees.

No trees outside the building line shall be disturbed or removed without the permission of the Commissioner of Parks. Adequate protection of sufficient height shall be provided around the trunks of all trees on all street fronts of the construction site, as defined in Rule 1.7. No caustic or acid materials shall be mixed within ten feet of any tree.

2.17 Storage of Material and Equipment.

2.17.1 Building Material. Permit 82d 7-10.0a—

The president of each borough shall have power to grant permits to builders to occupy not more than one-third of the roadway of any street with building material if, in his opinion, the interests and conveniences of the public will not suffer thereby. At the time of placing such material in the street, the permit, so granted shall forthwith be posted in a conspicuous space on or near the material and shall be kept there so as to be readily accessible to inspection.

Conditions 82d 7-10.0b—Such permits shall provide expressly that they are given upon condition that the sidewalks and gutters shall at all times be kept clear and unobstructed, and that all dirt and rubbish shall be promptly removed from time to time by the person obtaining such permit. All such permits may be revoked by the borough president, at pleasure.

Deposit 82d 7-10.0c—It shall be unlawful to grant any such permit to any builder unless, at the time such permit is granted, he shall have on deposit with the borough president the sum of fifty dollars as a guarantee that he will promptly comply with the conditions of all permits which may be so granted, including the prompt removal of all dirt and rubbish placed upon the street from time to time, and also for the prompt removal of any building material placed

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upon any street thereunder, after the expiration or revocation of any such permit. Each borough president is authorized and empowered to use so much of the moneys so deposited as may be required to effect the prompt removal of such dirt or rubbish as may, from time to time, be left upon the streets by the person making the deposit, and also for the purpose of removing any building material which may remain thereon, after the expiration or revocation of any permit under which it was so placed. In case any such deposit shall become impaired or exhausted, through use by a borough president in the removal of dirt, rubbish, or building material, the amount shall be made up immediately, to the sum of fifty dollars, on notice from the borough president, and, in default thereof, all permits theretofore issued to the builder failing to comply with such notice shall be revoked, and no permit shall be thereafter granted to him until such deposit be made good. Any builder may at any time withdraw his deposit if at the time he holds no unexpired permits and has fully complied with all the conditions of all such permits. Otherwise he shall be entitled only to withdraw and receive as much of the deposit as may remain unexpended after the provisions of this section, relative to the use of such money for the removal of dirt, rubbish or building material, as the case may be, have been carried into effect.

Restrictions 82d 7-10.0d—In a street upon which there is a railroad, materials shall not be placed nearer to the track than two (2) feet.

In no case shall building material be placed upon, nor shall mortar, cement or other material be mixed upon, the pavement of a street paved with asphalt, asphalt block or wood, except under a permit issued by the borough president having jurisdiction, which shall contain a provision that such pavement shall be protected by first laying planks thereon. Borough presidents, or other officers issuing permits to builders to use the streets, shall insert in each such permit a clause requiring compliance with this provision.

Unauthorized Obstructions 82d 7-10.0e—Whenever any wood, timber, stone, iron or other building material has been or shall be placed in or upon any street, without a permit, the borough president having jurisdiction shall forthwith cause the same to be taken up and removed.

2.17.2 All building material shall be stored in a safe and orderly manner, and so located that such piles of material do not obstruct any passageway, walkway, stairway, or sidewalk. Material or equipment shall not be stored upon a temporary or permanent floor in such quantity as to exceed the safe carrying capacity of the floor. Scaffolds and similar working platforms are not to be used as a storage space for material or equipment.

2.18 Storage and Disposal of Debris.

All debris, waste material and the like shall be stored as required under Rule 2.17. Broken glass and sharp metal objects shall be removed to a location which will eliminate the possibility of accidental contact by workmen. Boards, planks, and timbers, unless stored in a location remote from accidental contact by workmen, shall have all nails hammered down or removed.

2.18.1 Cellars may be permanently filled to grade with clean debris, such as mortar, plaster, brick, stone or other incombustible material that will not cause voids in the fill. (See Rule 3.12.)

2.19 Corrosive Substances.

All lime, acid, and other corrosive substances shall be so stored and so used as not to endanger the workmen or the public.

2.20 Employees' Welfare.

There shall be provided on every construction site a sufficient number of temporary water closets, chemical toilets, or privies at the rate of not less than one (1) unit for each 30 persons or fraction thereof.

There shall be provided in adequate locations a sufficient supply of faucets connected to the city mains for drinking water.

Facilities shall be provided to render first aid and an adequate first aid kit shall be kept in the job supervisor's office at all times. There shall be prominently posted in the job supervisor's office a list of doctors, phone number and the address of the nearest hospital.

Suitable approved protective equipment shall be provided for every employee engaged in operations hazardous to the eyes and head and all employees when so engaged shall be required to wear or use such equipment.

2.21 Life-lines, Safety-belts or Life-nets.

Where it is not practical to afford other means of protection as provided in these rules, life lines and safety belts shall be provided for workmen exposed to the danger of falling from locations where the combination of adequate footing and holding on with the hands does not exist, such as on steep roofs, narrow ledges, high parapets, skeleton beams, etc. However, this rule shall not apply to regular structural steel erectors, riggers, elevator constructors and those of similar trade whose work is of such nature that the use of such life line and safety belt would produce an additional hazard or where a life net safety barrier or other adequate protection has been provided for such workmen.

Every life-line, safety-belt or life-net shall be of an approved type and shall be inspected in accordance with Rule 2.1, "Inspection of devices and equipment" at least once each week.

2.22 Housekeeping.

Every sidewalk, stairway, passageway, ramp and similar walkway shall be kept free and clear from material, supplies and obstructions of every kind. Tools and materials shall not be strewn about on floors or platforms or in any working area.

Protruding nails and sharp projections shall be removed, hammered down, bent over, or otherwise guarded to prevent injury by accidental contact.

3.0 EXCAVATION OPERATIONS.

3.1 C26-383.0 Owner—The responsibility of affording any license referred to in section C26-383.0 through C26-390.0, and section C26-561.0 through C26-570.0, shall rest upon the owner but in case the tenant of any such owner fails or refuses to permit such owner to afford such license, such failure shall be a cause to the owner for dispossessing such tenant through proceedings provided in the civil practice act for recovering possession of real property. In case the duty devolves upon such owner to make his premises safe under any of the provisions of section C26-383.0 through C26-390.0 and sections C26-561.0 through C26-570.0, such owner shall have a like remedy against a tenant of a part of the premises.

3.2 C26-384.0a Excavations Affecting Adjoining Property—Temporary support of adjoining property. Any person causing any excavation to be made shall provide such sheet piling and bracing as may be necessary to prevent the earth of adjoining property from caving in before permanent supports have been provided for the sides of such excavation.

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3.3 C26-384.0b Permanent Support of Adjoining Property—Whenever provisions are lacking for the permanent support of the sides of an excavation in accordance with the provisions of section C26-563.0, a person causing such excavation to be made shall build a retaining wall at his own expense and on his own land. Such retaining wall shall be carried to a height sufficient to retain the adjoining earth, shall be properly coped and shall be provided with a substantial guard rail or fence four feet high.

3.4 C26-384.0c License to Enter Adjoining Premises—For the purposes of Rules 3.2 and 3.3, any person causing an excavation to be made shall be afforded the license necessary to enter the adjoining premises. If such license is not afforded, the owner of the adjoining premises shall have the responsibility of providing temporary and permanent support of his premises at his own expense, and for that purpose such owner shall be afforded the license necessary to enter the premises where such excavation is to be made.

3.5 Excavations Affecting Adjoining Structures.

3.5.1 C26-385.0a Excavations More Than Ten Feet Deep—Whenever an excavation is carried to a depth of more than ten feet below the curb, the person who causes such excavation to be made shall, if afforded the license necessary to enter the adjoining premises, at all times and at his own expense, preserve and protect from injury any structure the safety of which may be affected by such part of the excavation as extends more than ten feet below the curb, and such person shall support the adjoining structure by proper foundations, whether or not such structure is more than ten feet below the curb. If the necessary license is not afforded to the person causing the excavation to be made, it shall be the duty of the owner who fails to afford such license to make the structure safe, and to support such structure by proper foundations, and such owner shall, if it is necessary for such purpose, be afforded the license necessary to enter the premises where such excavation is to be made.

3.5.2 C26-385.0b Excavations Ten Feet or Less in Depth—The owner of any structure the safety of which may be affected by an excavation, shall preserve and protect such structure from injury and shall support such structure by proper foundations, except as otherwise provided in subdivision a of this section and shall, if it is necessary for such purpose, be afforded the license necessary to enter the premises where the excavation is to be made.

3.5.3 C26-385.0c Support of Party Walls—In case an adjoining party wall is intended to be used by the person who causes an excavation to be made, and such party wall is in good condition and sufficient for the uses of the existing and proposed buildings, such person shall, at his own expense, preserve such party wall from injury and support it by proper foundations, so that it shall be and remain practically as safe as it was before the excavation was commenced.

3.5.4 Weather Protection C26-385.0d—Where permission has been given under this section to any person to enter any adjoining structure, such person shall provide for such adjoining structure adequate protection against any danger of injury due to the elements which may result from such entry.

3.6 Conduct of Excavating Operations.

All excavation work in connection with the erection, repair, construction or alteration, of any build-

ing or structure shall be conducted in a thoroughly workmanlike and safe manner.

All equipment used in connection with excavation work shall be inspected, erected and maintained in safe working condition, during the entire time of the of the excavation work as provided in Rule 2.1.

3.7 C26-386.0 Structures Unsafe at Commencement of Excavation or Demolition—If the person who causes an excavation to be made or an existing structure to be demolished has reason to believe an adjoining structure is unsafe, such person shall forthwith report his belief in writing to the superintendent, who shall cause an inspection of such premises to be made, and if such structure is found unsafe, he shall declare such structure unsafe and shall cause it to be repaired as provided in sections C26-193.0 through C26-201.0.

3.8 C26-387.0 Physical Examination of Adjoining Property Prior to and During Excavation or Demolition—A license to enter upon adjoining property for the purpose of physical examination of such property, prior to the commencement and at reasonable periods, during the progress of the excavation or demolition, shall be afforded by the owner and tenants of such adjoining property to the person causing such excavation or demolition to be made.

3.9 C26-389.0 Protection at Excavations.

Guards or fences shall be provided along the open sides of excavations, except that, in the discretion of the superintendent, such guards or fences may be omitted from any side or sides other than such as are adjacent to streets or public passageways. Suitable means of exit from excavations shall be provided.

Railing, fence or solid enclosure shall not be less than forty-two (42) inches in height. Such portions of the railing as are adjacent to a public thoroughfare shall be provided with danger lights at night.

From every excavation there shall be provided at all times ladders, stairways or ramps to provide for the safe access to, and egress from, such excavation. Such ladders, stairways or ramps shall be in compliance with the requirements of Rule 7.0 relating to such means of access or egress and shall be installed in sufficient number and in such location as to be readily accessible. Such means of access or egress shall not be more than one hundred (100) feet from any point in the excavation.

3.10 Shoring, Bracing and Sheet-piling.

The sides of every open excavation five (5) feet or more in depth where the earth is not sloped to the angle of repose of the material and where because of the composition of the soil, climatic conditions, depth of excavation or construction operations there may be produced an unsafe condition, shall be securely held by adequate timber bracing. Bracing for trenches shall be at least as provided in Table A and Table B.

TABLE A
MINIMUM SIZES OF BRACING AND SHEET-PILING FOR NARROW TRENCHES
TRENCHES—Not more than four (4) feet in width.

Depth of trench in feet	—Sheet-piling—		—Stringers—		—Cross Bracing—	
	Size	Hori- zontal spacing	Size	Vertical spacing	Size	Hori- zontal spacing
(a) Hard and Solid Soil						
5'-10'	2x6	6 feet	2x6	6 feet	2x6	6 feet
10'-15'	2x6	4 feet	2x6	6 feet	2x6	5 feet
More than 15' .	2x6	tight	4x8	4 feet	4x8	6 feet

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Depth of trench in feet	—Sheet-piling—		—Stringers—		—Cross Bracing—	
	Size	Hori- zontal spacing	Size	Vertical spacing	Size	Hori- zontal spacing
(b) Soil likely to crack or crumble						
5'-10'	2x6	3 feet	2x6	5 feet	2x6	5 feet
10'-15'	2x6	2 feet	2x6	4 feet	2x6	4 feet
More than 15'.	2x6	tight	4x10	4 feet	4x10	6 feet
(c) Soft, sandy, filled-in or loose Soil						
5'-10'	2x6	tight	4x6	6 feet	4x6	6 feet
10'-15'	2x6	tight	4x6	5 feet	4x6	6 feet
More than 15'.	2x6	tight	4x12	4 feet	4x12	6 feet
(d) Where Hydrostatic Pressure Exists						
To 10'	2x6	tight	6x8	4 feet	6x8	6 feet
More than 10'.	3x6	tight	6x10	4 feet	6x10	6 feet

Steel sheet-piling and bracing, of equivalent strength may be substituted for wood sheet-piling and timber bracing.

TABLE B
MINIMUM SIZES OF BRACING AND SHEET-PILING FOR WIDE TRENCHES
TRENCHES—Not more than eight (8) feet in width.

Depth of trench in feet	—Sheet-piling—		—Stringers—		—Cross Bracing—	
	Size	Hori- zontal spacing	Size	Vertical spacing	Size	Hori- zontal spacing
(a) Hard and Solid Soil						
5'-10'	2x6	6 feet	4x6	4 feet	4x6	6 feet
10'-20'	2x6	tight	6x6	4 feet	6x6	6 feet
More than 20'.	2x6	tight	6x8	4 feet	6x8	6 feet
(b) Soil likely to crack or crumble						
5'-10'	2x6	3 feet	4x6	4 feet	4x6	6 feet
10'-20'	2x6	tight	6x6	4 feet	6x6	6 feet
More than 20'.	2x6	tight	6x8	4 feet	6x8	6 feet
(c) Soft, sandy, filled-in or loose Soil						
5'-10'	2x6	tight	4x6	4 feet	4x6	6 feet
10'-20'	2x6	tight	6x6	4 feet	6x6	6 feet
More than 20'.	2x6	tight	6x8	4 feet	6x8	6 feet
(d) Where hydrostatic pressure exists						
To 10'	2x6	tight	6x8	4 feet	6x8	6 feet
More than 10'.	3x6	tight	8x10	4 feet	6x10	6 feet

Steel sheet-piling and bracing, of equivalent strength may be substituted for wood sheet-piling and timber bracing.

3.11 Placing of Construction Material.

Excavated material, building material and super-imposed loads such as equipment, etc., shall not be placed closer to the edge of the excavation than a distance equal to $1\frac{1}{2}$ times the depth of such excavation, unless the sides of the excavation have been sheet-piled and shored to provide for such super-imposed loads. Such sheet-piling shall extend above the natural level of the ground to a sufficient height to prevent any loose material from falling into the excavation.

3.12 C26-390.0 Abandoned Foundations—Safety and Protection.

Any abandoned foundation which shall become unsafe, menacing or dangerous to life or limb, shall be filled in, as the superintendent may require, with clean ashes, sand or earth or otherwise made safe and secure. (See Rule 2.18.1.)

4.0 ERECTION OF BUILDINGS AND STRUCTURES.

4.1 C26-178.0 Compliance With Plans, Laws and Regulations.

a. It shall be unlawful to construct any structure, or any plumbing, except in accordance with the approved detailed statement of specifications and plans, for which the permit was issued, or any approved amendment thereof. A certified copy of the approved plans shall be kept at all times on the premises from the commencement of the work to the completion thereof, except that this requirement may be waived by the superintendent where he deems compliance with it is unnecessary.

b. Permits for construction or equipment of a structure issued by the superintendent shall be deemed to incorporate the proviso that the applicant, his agent, employees or contractors shall use only approved materials, appliances and methods of construction and shall carry out the proposed work in accordance with the approved plans and with all requirements of this title and any other laws or regulations applicable thereto, whether specified or not.

4.2 C26-551.0 Loading of Structures During Construction or Demolition.

It shall be unlawful to load or cause to be loaded any structure, or any temporary support or scaffolding or any sidewalk or sidewalk shed or bridge or any device or equipment, during construction or demolition, in excess of its safe carrying capacity.

4.3 C26-161.0 Permits for Construction or Alteration.

a. Before the construction or alteration of any structure or any part of a structure, shall be commenced and before the construction or alteration of the plumbing of any structure or premises shall be commenced, the owner, or registered architect or licensed professional engineer employed by the owner, shall submit to the superintendent a statement in triplicate, on appropriate blanks furnished by the superintendent, describing the proposed work, and such computations, plans, and detail drawings as the superintendent may require. Such statement shall constitute an application for a permit. Such statement shall be accompanied by a further statement in writing, sworn to before a notary public or commissioner of deeds, giving the full name and residence of each of the owners of the structure, proposed structure or premises, and, except as otherwise herein provided in section C26-161.0 through C26-188.0, by a diagram of the lot or lots showing the established grade and the existing surface elevation of the street, if any, on which the construction is to be made, the exact location of any proposed new construction and of all existing structures that are to remain including information as to the occupancy of such structures.

b. In the case of an interior alteration or a minor exterior alteration to an existing structure the filing of a lot diagram shall not be required unless the superintendent deems it to be necessary because of special conditions.

c. In the case of minor alterations which do not involve a structural change and which in the opinion of the superintendent do not require the filing of plans, a statement describing such minor alterations shall be submitted to the superintendent on such form as he may designate.

d. When plans are required to be filed, and such plans contemplate structural changes or structural work affecting public health or safety, they shall be accompanied by an affidavit of a licensed architect or a licensed professional engineer stating that he has supervised the preparation of the plans and that to the best of his knowledge and belief the structure, if built in accordance with the plans, will

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conform to the Administrative Building Code and to the rules of the board, and will not conflict with any provision of the charter, the multiple dwelling law, the labor law, the general city law, the building zone resolution, or any other provision of law applicable thereto, except as specifically noted otherwise.

e. If a licensed professional engineer has been employed in the preparation of the structural or mechanical design, the structural or mechanical plans shall be accompanied by his affidavit stating that the structural or mechanical design drawings prepared under his supervision, to the best of his knowledge and belief, conform with the laws governing building construction, except as specifically noted otherwise.

f. If there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the law, the affidavit of the licensed architect or licensed professional engineer shall state the nature of such difficulties or hardships.

g. Before a permit is issued, the owner or his authorized agent shall furnish the commissioner with the name and address of the person who is to supervise the construction, in accordance with C26-187.0, with power of substitution upon written notice to the commissioner.

4.4 Conduct of Operations.

All work in connection with the erection, repair or alteration of any building or structure shall be conducted in a thoroughly workmanlike and safe manner.

All equipment used in connection with construction operations shall be provided, erected and maintained in safe working condition during the entire term of the construction, as provided in Rule 7.0, "Equipment".

4.5 Protection of Construction from Cold Weather.

4.5.1 Concrete.

It shall be unlawful to deposit concrete which has a temperature of less than 50° Fahrenheit. The concrete shall be maintained at a temperature of at least 50° Fahrenheit for at least 72 hours or until it has thoroughly hardened. C26-502.0, d. For high early strength cement concrete such temperature shall be maintained for not less than 24 hours.

Adequate equipment shall be provided for heating the concrete materials and protecting the concrete during freezing weather. The heat furnished during the curing period shall be saturated with moist vapor by means of pans of water used with salamanders or steam lines.

All concrete materials including reinforcing steel and forms shall be free from frost. The protection used during the curing shall remain in place and intact for a period of at least 24 hours after the artificial heating has been discontinued. The use of admixtures for the prevention of freezing shall not be permitted.

4.5.2 Masonry Protection During Freezing Weather.

Masonry shall be protected against freezing until such time as the setting of the cementing material has advanced far enough to prevent any displacement of such masonry. It shall be unlawful to use any frozen material or to build upon any frozen masonry or frozen soil. C26-414.0. All bricks and mortar material shall be protected from the elements and free of ice, and prior to use shall have all frost or ice removed. After the mortar has been mixed it shall be maintained at a temperature of not less than 35° Fahrenheit from the time it is mixed until it is placed in the masonry. All work shall be protected against freezing for a period of 48 hours by means of enclosures and artificial heat similar

to that as provided for in Rule 4.5.1 "Concrete". The use of admixtures for the prevention of freezing shall not be permitted.

4.5.3 Plastering in Freezing Weather.

When plastering is in progress and until such plastering has become thoroughly dry, the structure shall be enclosed and heated in freezing weather. C26-467.0, c. The enclosures and methods of heating and ventilating shall be as provided for in "Concrete" Rule 4.5.1 and "Salamanders", Rule 2.7.

4.6 Temporary Floors in Buildings in the Course of Construction.

4.6.1 Buildings or Structures or Skeleton Construction.

In buildings or structures of skeleton steel construction a temporary floor filling, or floor filling forms, except for temporary shaftway openings, shall be installed as the erection progresses and there shall be not more than eight (8) stories of erected steel above the uppermost floor filling.

A temporary plank floor shall be provided not less than two (2) tiers below the tier of beams on any skeleton steel structure, on which bolting, riveting, welding or painting is being done and at every other floor level at which the permanent floor filling or the floor filling forms have not been provided. Such temporary flooring shall cover the entire tier of beams, except for such spaces as are required for access to ladders and stairways and for hoisting purposes. The planks for such temporary floor shall be free from protruding nails and splinters and shall be not less than two (2) inches in thickness for a span of up to and including ten (10) feet. The planks shall be laid close together, supported on a solid bearing, and the ends overlapped at least four (4) inches and securely fastened to the framework of the structure.

In buildings or structures having wood floor construction rough flooring shall be laid on each tier of joists as the structure progresses and the floor next below where any work is being performed shall be entirely floored over, except for such spaces as are required for access to ladders and stairways and for hoisting purposes. Such rough flooring shall consist of boards not less than seven-eighths (7/8) inch in thickness.

In non-fireproof buildings, where stair halls or floor areas are of fireproof construction, the floor arch forms shall be installed as the work progresses which shall be not more than two (2) stories below the story on which any brickwork or masonry is being erected.

4.7 Temporary Stairs.

In every building or structure, the permanent stairways shall be installed as soon as working conditions permit but when work on a building has progressed to a height of more than fifty (50) feet above grade and it is found impracticable to install permanent stairways, one temporary stairway extending from grade to the top of the structure, and continued up as the work progresses, shall be installed and shall remain in place until the permanent stairways shall have been completed. Such temporary stairs shall be in compliance with the requirements of Rules 2.4 and 7.11.

Where permanent or temporary stairways or suitable ramps or runways are not provided, ladders shall be provided to give access to all floors. Such ladders shall remain in place until the temporary or permanent stairs are provided and are ready for use.

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5.0 REPAIR AND ALTERATION OPERATIONS.

5.1 C26-193.0 Removal or Repair of Structures.

Any structure or part of a structure or premises that from any cause may at any time become dangerous or unsafe, structurally or as a fire hazard, shall be taken down and removed or made safe and secure. A vacant building unguarded or open at door or window shall be deemed dangerous or unsafe as a fire hazard within the meaning of this article.

5.2 C26-171.0 Ordinary Repairs Excepted from Permit Requirements.

a. Ordinary repairs to structures may be made without application or notice to the superintendent, but such repairs shall not include the cutting away of any wall or any portion thereof, the removal or cutting of any beams or supports, or the removal, change or closing of any stairway or required means of exit.

b. Ordinary repairs to the plumbing system may be made without application or notice to the superintendent, but such repairs shall not include addition to, or alteration, replacement or relocation of any standpipe piping, water distribution piping, house sewer, private sewer, or drainage system including leaders, or any soil, waste or vent pipe, or any gas distribution system.

5.3 Conduct of Repair and Alteration Operations.

All work in connection with the repair or alteration of a building or structure shall be conducted in a thoroughly workmanlike and safe manner. All equipment used in connection with repair and alteration operations shall be inspected as provided for in Rule 2.1, erected and maintained in good working condition during the entire time of the operations as provided in Rule 7.0. The operations to be performed shall be in accordance with the pertinent provisions of these rules.

6.0 DEMOLITION OPERATIONS.

6.1 C26-168.0 Notice to Demolish.

Before any structure or part of a structure is demolished, a statement in writing, on appropriate blanks to be furnished by the department, which shall constitute a notice to demolish, shall be submitted to the superintendent by the owner or any person authorized by the owner, giving the full name and residence of each of the owners of the structure to be demolished, the name and business address of the person who is to do the work and such other information respecting the structure as the superintendent may require. Such notice shall be submitted before the work of demolition is commenced and the superintendent shall issue a permit upon approval of such notice.

Where a building is to be partly demolished, the provisions of Sec. C26-161.0 shall be complied with.

6.2 Loading of Structures During Demolition.

Precautions to be observed in the loading of structures during demolition shall be in accordance with Rule 4.2.

Before any material is stored on any floor, the existing flooring adjacent to the bearing walls shall be removed and ends of floor beams in the bearing walls shall be carefully examined as to their condition and the amount of bearing on the bearing wall. If they are found to be in poor condition or with insufficient bearing, no material shall be deposited on the floor until these beams are shored from the cellar floor through each successive floor. No bearing partition shall be removed from any floor until the floor beams on the next floor above have been removed and lowered.

All header beams and headers at stair openings and chimneys shall be carefully examined and if

necessary shall be shored from the cellar floor through the successive floors.

6.3 Conduct of Demolition Operations.

All demolition operations and equipment in connection with the construction, erection, repair, alteration or razing of any building or structure shall be conducted in a thoroughly workmanlike and safe manner as provided in Rule 4.4.

6.4 Adjoining Building Protection.

6.4.1 Protection of Adjacent Structures.

Structures unsafe at commencement of excavation or demolition shall comply with requirements of Rules 3.7 and 3.8. No further demolition shall be performed at that point until an approval to continue such work has been issued by the superintendent.

6.4.2 C26-568.0 Protection of Party Walls During Demolition.

a. Party walls—When a structure containing a party wall is being demolished, the owner of the demolished structure shall, at his own expense, bend over the anchors at the beam ends in the standing wall and shall brick in all open beam holes.

b. Party wall fire escape balconies—No party wall balcony fire exit shall be demolished or removed when such demolition or removal will destroy the full effectiveness of such party wall balconies as means of egress, unless and until the owner of the structure from which the party wall balcony is to be removed has erected or legally obligates himself to erect on the structure to be deprived of a required means of egress, a legal fire escape meeting the requirements of the superintendent.

6.4.2.1 All beams in party walls shall be cut off close to the walls and stub ends removed without weakening masonry and beam pockets cleaned of loose mortar, and bricked up and bonded into the wall with sound brick and cement mortar. Tee anchors shall be provided on each sixth floor beam or sixth roof beam, except that the Borough Superintendent may require closer spacing of such anchors when required for the safety of these walls. Roofing material of adjoining buildings shall be bent over and flashed. All door or other openings in party walls shall be adequately sealed. Cornices where cut shall be properly sealed. Parapet and front and rear walls where disturbed shall be pointed up and made weather tight. All exposed furring, lath and plaster on party walls shall be removed. Roofs, skylights and flues of adjoining buildings shall be protected from damage from demolition by the demolition contractor provided he is granted the necessary license to enter the adjoining premises for that purpose.

6.5 Removal of Gas, Electric and Water Service.

6.5.1 All gas, electric, water, steam and other supply lines shall be shut off and capped as required by the Dept. of Water, Gas & Electricity, before starting demolition, except that where it is necessary to maintain any power, water, gas or electric lines during demolition, such lines shall be protected as required by the Department of Water Supply, Gas and Electricity.

6.5.2 C26-553.0 Sewer Connections to be Sealed.

b. When a structure which has connections with a sewer is demolished, all sewer connections shall be sealed off in a manner satisfactory to the borough president.

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6.6 Precautions before Commencing Demolition.

Before demolition is started, the cellar shall be thoroughly cleaned of combustible material and all fixtures and equipment which would cause voids in the fill removed.

If the cellar is to be filled to grade, the existing cellar floor shall be broken up to provide ground drainage and prevent accumulation of water. If the cellar is not to be filled, adequate cellar drainage shall be provided.

6.7 Removal of Glass.

Before the commencement of the actual demolition, all glass in windows, doors, skylights and glazed windows and glass in furnishings shall be removed.

6.8 Boarding of Windows and Exterior Wall Openings.

Every window or other opening in the exterior walls of any structure more than twenty-five (25) feet in height, unless such window or opening is so located as to preclude the possibility of injury to any person by material which may fall from such window or opening, shall be boarded up or otherwise substantially covered.

6.9 Access to Floors.

There shall be provided at all times, safe access to and egress from every building in course of demolition by means of unobstructed hallways, stairways or ladder runs so enclosed or so located as to protect the persons using them from falling materials.

Access to any floor, except the top or working floor, of any building in the course of demolition shall be closed off unless the floor above is intact and all vertical openings are enclosed by a tight enclosure of not less than two (2) inch planking.

6.10 Demolition of Walls.

Demolition shall proceed in an orderly manner and the work on the upper stories shall be completed before any of the supporting structural members on the lower stories are disturbed. Sections of masonry walls shall not be loosened or permitted to fall in such masses upon the floors of the building as to exceed the safe carrying capacity of such floors.

No wall, chimney or other structural part shall be left in such condition that it may topple over due to wind, vibration or any other cause.

6.11 Mechanical Method of Demolition.

The mechanical method of demolition, whereby the wrecking of a building or part thereof, is accomplished by smashing the walls or floors with a heavy weight suspended by a cable from a boom or hoist, or whereby the walls are collapsed by the use of a power shovel, tractor or other mechanical contrivance, shall be permitted only in accordance with the following requirements.

a. The building or structure or remaining portion thereof shall be not more than eighty (80) feet in height.

b. The zone of demolition as applied to a specific demolition operation shall be that area determined by the Superintendent.

c. Unless permitted by the Superintendent, such method shall not be used where any building occupied by one or more persons is located within the zone of demolition.

d. Such method shall not be used where access may be had to any space within the zone of demolition by persons other than the workmen performing demolition operations.

e. Workmen performing demolition operations may enter buildings or spaces within the zone of demolition but such workmen, however, shall not be permitted on or within the structure being demolished nor shall such workmen, expecting the operating crew, be permitted within the zone of demolition

while the mechanical device as above described is in actual operation.

f. Fences constructed in compliance with Rule 2.16.8 shall be erected to prevent persons other than workmen from entering the zone as established by the Superintendent.

g. The controls of mechanical devices used in such method of demolition shall be located and operated at a safe and reasonable distance from the point of demolition.

h. Where a swinging weight is used the supporting cables shall be of such length or shall be so restrained that it is not possible for the weight to swing against any structure other than the structure being demolished.

i. The Superintendent may modify the requirements of this rule, if in his opinion circumstances of a specific operation warrant a modification and may impose greater restrictions and protective measures.

6.12 Demolition of Structural Steel and Heavy Timbers.

Steel construction and heavy timber construction shall be demolished column length by column length and tier by tier. Every structural member which is being dismembered shall not be under any load other than its own weight and such member shall be chained or lashed in place to prevent any uncontrolled swinging or dropping. Large structural members shall not be thrown or dropped from the building. However, when permitted by the superintendent, such members shall be slowly and carefully lowered by hoists equipped with adequate brakes and non-reversing safety devices.

6.13 Demolition of Floor Arches.

Before demolishing any floor arch, debris and other material shall be removed from the arch and from the surrounding floor area within a distance of twenty (20) feet from such arch. Planks not less than 2 x 9 in cross-section shall be laid close together with a span not more than 10 ft. for the workmen to stand on while breaking down floor arches between beams. Such planks shall be so located as to provide a safe support for the workmen should the arch between the beams collapse.

6.14 Removal of Material.

Debris, bricks and other material shall be removed: (a) by means of chutes constructed in compliance with Rule 7.26 "Chutes"; (b) by means of buckets or hoists; or (c) through openings in the floors of the building in compliance with Rule 6.15 "Floor Openings".

6.15 Floor Openings.

The aggregate area of openings in any floor of a building in the course of demolition shall not exceed twenty-five (25) per cent of the entire floor area of such floor. The person in charge of demolition operations shall provide sheet-piling, shoring, bracing or such other means as may be necessary to insure the stability of the walls and to prevent any wall from collapsing due to the pressure of the accumulated material.

Every opening used for the removal of debris in every floor to which access is permitted, except the top or working floor, shall be provided with a tight enclosure equivalent to that afforded by planking not less than two (2) inches in thickness otherwise no person shall be permitted access to within a horizontal distance of twenty (20) feet from any opening above through which debris is being dropped.

Every opening not used for the removal of debris in any floor to which access is permitted shall be protected by a tight enclosure as herein prescribed, or by a guard rail or railing or shall be solidly planked over.

Openings in the top or working floor more than

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sixteen (16) inches in least dimension shall be protected on all sides, except the side at which debris is deposited, by a guard rail or railing, or the sides of the opening shall be roped off at a distance of not less than two (2) feet from the edge of the opening by not less than a one-half ($\frac{1}{2}$) inch diameter rope securely tied to provide a guard of a height equivalent to that provided by the railing.

Wherever men are employed in any work on a wall and a floor opening on the working floor is located immediately below the point at which such men are working there shall be provided a tight flooring not less than five (5) feet in width immediately adjacent to such wall.

6.16 Demolition Requiring Scaffolds.

Whenever workmen are engaged in the removal of any part of the building or structure, which part is more than twelve (12) feet above a floor, platform or the ground, there shall be provided for such workmen suitable scaffolds constructed in accordance with Rule 7.3 "Scaffolds" or life-lines and safety-belts, or life-nets in accordance with Rule 2.21 "Life-lines, Safety-belts or Life-nets".

6.17 C26-559.0 Catch Platforms.

a. During the demolition of the exterior walls of a structure, originally more than seventy feet in height, catch platforms shall be erected along the street fronts and over public passageways. Such catch platforms shall be erected and maintained not more than three stories or 35 feet below the story from which the exterior walls are being removed until such demolition has progressed to within three stories of the ground level. They shall be constructed of planking laid close without openings between the planks or between the plank and the wall. The outside edge of the platforms shall be at least five feet horizontally from the wall of the structure and shall be higher than the inside edge. The supports shall consist of yellow pine or spruce outriggers three inches by twelve inches, placed on edge, and secured against turning, spaced not more than ten feet apart. Each outrigger shall have ample bearing on the structure and the inside end shall be adequately secured. The planking shall be at least two inches thick. Plank shall lap the supports at least one foot at each end or shall be secured to the supports to prevent displacement.

b. A fence of galvanized wire netting of at least No. 18 steel wire gauge and with mesh which will reject a ball five-eighths of an inch in diameter or of one inch boards laid close shall be provided along the outer edge and ends of the catch platform. Such fence shall be supported by substantial posts not more than ten feet apart, shall be pitched outward at an angle of approximately forty-five degrees from the horizontal and shall be at least forty-six inches high, measured along the slope of the fence above the planking of the catch platform with which the fencing shall make a tight connection.

c. Catch platforms may be constructed of other materials and following other designs, if they provide strength and security from falling material equal to that provided by the details specified above, and are approved by the superintendent.

d. It shall be unlawful to use catch platforms for the storage of materials.

6.18 Storage of Material.

Material shall not be stored on catch platforms, working platforms, floors or stairways of the building to be demolished, except that any one floor of a building may be used for the temporary storage of material when such floor is of such strength as to safely support the load to be super-imposed. Storage spaces shall not interfere with access to any stairway or passageway and suitable barricades shall be provided so as to prevent material from sliding

or rebounding into any space used by the workmen or the public. All material shall be safely piled in such locations as will not interfere with any work nor present any hazard.

6.19 Burning at Site.

No debris shall be burned at the site unless permits therefor are obtained from the Department having jurisdiction.

7.0 EQUIPMENT.

7.1 Responsibility of Employees and Other Persons for Protection of the Public and Workmen.

Where men are working on a scaffold with other men engaged above, the scaffold shall have a tight overhead covering of planking not less than two (2) inches in thickness or other material equivalent in strength and suitability as a protection to the men working on the scaffold. Where the type of work involved would render it hazardous and in lieu thereof may permit the catch platform at a higher level.

Runways or ladders shall be erected to platforms of scaffolds five (5) feet or more in height.

Every scaffold platform ten (10) feet or more above the ground or a floor, except platforms covering the entire floor space of a room within a building or the platforms of needle beam scaffolds or platforms on which the men working thereon are provided with life-lines and safety-belts in compliance with Rule 2.21 "Life-lines and Safety-belts or Life-nets", shall be provided with a guard rail and a toeboard.

The guard rail may be of wood not less than 2" x 3" in cross-section, or other material of equal strength, properly secured at intervals of not more than ten (10) feet. The guard rail shall be not less than thirty-four (34) inches above the platform of the scaffold and shall extend the entire length of the scaffold. A toeboard not less than 1" x 8" in cross-section shall be provided or the space between the guard rail and the platform may be enclosed with a wire screen composed of not less than No. 18 Steel Wire Gauge with a one-half ($\frac{1}{2}$) inch mesh.

7.2 Materials.

7.2.1 C26-556.0 Sizes and Stresses of Materials Used for Protection of the Public and Workmen

—a. The sizes mentioned in this article are minimum requirements, except that lumber sizes are nominal or commercial sizes before dressing. Where wood is specified in this article, members of iron, steel or other material of equivalent strength, rigidity and suitability may be substituted.

b. Where sizes are not specifically mentioned in this article, the equipment and safeguards when of a temporary nature and not subjected to serious shock may be designed using such stresses as may be approved by the superintendent, but at most thirty-three percent above the stresses provided in this title for similar material when used in permanent structures.

7.2.2 Lumber and Timber—All lumber and timber used for the construction of ladders, scaffolds, ramps, runways, railing and other safeguards, except where otherwise required in these rules shall be either Red, White or Sitka Spruce; Douglas Fir; Norway Pine; West Coast Hemlock or other woods equivalent in strength and suitability. All lumber and timber shall be sound and shall not contain defects such as ring shakes, large or loose knots or other defects which may materially impair the strength of the piece for the purpose for which it is to be used. Where sectional dimensions of lum-

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ber are given, lumber of different sectional dimensions may be used, if equivalent in strength and suitability.

Except for the dimensions of material given in Rule 7.6 "Ladders", which are actual dimensions, all dimensions for lumber and timber in these Rules are nominal or trade dimensions.

All lumber and timber shall be fastened at the various joints with sufficient nails or bolts of a suitable size to produce a secure joint, capable of withstanding the required load to be superimposed on same. Refer to Table II, Size and Number of Nails.

7.3 Scaffolds.

7.3.1 C26-555.0 Construction and Maintenance of Equipment and Safeguards—All devices or equipment which are used in connection with the performance of work and regulated by this article, shall be constructed, installed and maintained in a substantial manner and so operated as to give proper protection to persons and shall not be removed, altered, weakened, or rendered inoperative so long as they are needed or in use, except as provided in Section C26-553.0, unless so ordered by a person in responsible charge of the operation.

7.3.2 Erection of Scaffolds—Only skilled workmen shall be employed in the erection or dismantling of scaffolds. They shall work under the supervision of a competent superintendent or foreman who shall take such precautions as may be necessary to insure safety.

Every scaffold damaged or weakened from any cause shall be immediately repaired and workmen shall not be permitted to use the scaffold until such repairs have been completed. No scaffold shall be altered or removed while it is in use. Precautions shall be taken so that no material shall be delivered or stored upon a scaffold to such an extent as to overload or subject the scaffold to loads which it is not capable of supporting.

Barrels, boxes, piles of brick or stone or other unstable objects or material shall not be used for the support of scaffolds or the planking of scaffolds.

7.4 Wood Scaffolds—All lumber used in the construction of scaffolds shall be of spruce, Douglas fir, long-leaf yellow pine, Oregon pine or other species of equivalent strength and durability. The material shall be sound; straight grained; free from cross grain, shakes, large, loose or dead knots or other defects which may impair its strength or durability.

All nails used in the construction of scaffolds, stages and supports shall be of ample size and length and used in sufficient quantities at each connection to fully develop the strength of each member in compliance with Rule 7.2.2 "Lumber and Timber." All nails shall be driven full length.

7.5 Pole Scaffold Requirements—Scaffold poles shall be plumb and shall foot on a foundation equivalent to that offered by planking not less than nine (9) inches in width and two (2) inches in thickness. The footing shall be secured against any lateral movement.

Where poles are spliced with wood cleats, the squared end of the upper section shall rest upon the squared end of the lower section and the two ends shall be fastened rigidly together with not less than two (2) wood cleats each not less than three (3) feet in length. The cleats shall be placed at right angles to each other and shall overlap the abutting ends of the pole equally and the combined sectional area of the cleats shall be not less than fifty (50) per cent of the cross sectional area of the pole.

A put-log shall be located adjacent to each pole and shall be nailed or otherwise securely fastened to the pole or to the ledger on which it rests.

Pole scaffolds shall be firmly and adequately braced in such a manner as to preclude swaying or swinging away from the building. Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall. Diagonal bracing shall be so installed that every spliced section of every pole is connected with the adjacent poles.

Planking shall be laid with the edges close together so that the platform will be tight with no spaces through which tools or fragments of material may fall, except that on interior scaffolds, the platforms of which cover the entire room area, there may be provided a two (2) inch space between planking for ventilation purposes.

Where planks are butt end to end, parallel put-logs or bearers shall be provided not more than eight (8) inches apart so that one put-log or bearer will support the end of one plank and the other put-log or bearer, the end of the other plank.

Where platform planks over-lap, the ends of both the upper and lower planks shall over-lap the put-log or bearer by at least six (6) inches. Planking shall project over the end put-log not less than six (6) inches but not more than eighteen (18) inches. Inclined platform planking shall be nailed at each bearing.

When a new working level is desired, the old platform shall be left undisturbed until the new working level is framed. As the platform level is abandoned with the progress of the work, the bearers, put-logs and ledgers upon which the platform previously rested shall not be removed but shall be left in place to brace and stiffen the poles.

7.5.1 Single Pole Scaffolds—Before any wood scaffold more than eighty (80) feet in height is erected, plans showing the design and the sizes of all structural members of such scaffold shall be submitted to the borough superintendent for his approval.

Every single pole scaffold shall be constructed with members of a size not less than that given in Table C, "Minimum Size and Maximum Spacing of Members of Single Pole Scaffolds."

TABLE C
MINIMUM SIZE AND MAXIMUM SPACING OF
MEMBERS OF SINGLE POLE SCAFFOLDS
No. 1 LIGHT DUTY SCAFFOLDS

Type of use	Light duty				
Uniformly distributed load	Not to exceed 25 lbs. per sq. ft.				
Max. height of scaffold..	20'	40'	60'	80'	
				Top 60'	Lower Sect.
Poles or uprights (min.)	2x4	3x4	4x4	4x4	4x6
Pole foundation (min.)	2x9				
Max. pole spacing (longitudinal)	10'-0"				
Max. width of scaffold.	5'-0"				
Bearers or putlogs (min.)	3x4 or 2x6 (on edge)				
Ledgers (minimum):					
With 1 1/4" plank	1 1/4x9 (on edge)				
With 2" plank	1x6 (on edge)				

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Type of use	Light duty
Vertical spacing of ledgers (max.)	7'-0"
Non-supporting stringers	1x4
Tie-ins	1x4
Bracing	1x4
Planking:	
Not more than 6' span	1½x9
More than 6' span....	2x9
Toeboards	1x8
Guard rails	2x4

TABLE C
MINIMUM SIZE AND MAXIMUM SPACING OF
MEMBERS OF SINGLE POLE SCAFFOLDS
No. 2 REGULAR DUTY SCAFFOLDS

Type of use	Regular duty				
Uniformly distributed load	Not to exceed 50 lbs. per sq. ft.				
Max. height of scaffold..	20'	40'	60'	80'	
				Top 60'	Lower Sect.
Poles or uprights (min.)	3x4 or 2x6	4x4	4x6	4x6	6x6
Pole foundation (min.)..	2x9				
Max. pole spacing (longi- tudinal)	10'-0"				
Max. width of scaffold.	5'-0"		8'-0"		
Bearers or putlogs (min.)	3x4 or 2x8 (on edge)		3x5 or 2x9 (on edge)		
Max. spacing of bearers or putlogs	6'-0"				
Ledgers (minimum) ...	2x9 (on edge)				
Vertical spacing of ledg- ers (max.)	9'-0"				
Non-supporting stringers	1x6 or 1¼x4				
Tie-ins	1x6				
Bracing	1x6				
Planking	2x9				
Toeboards	2x9				
Guard rails	2x4				
Between Toeboard and Guard Rail ½" wire mesh composed of No. 18 Steel Wire Gauge.					

TABLE C
MINIMUM SIZE AND MAXIMUM SPACING OF
MEMBERS OF SINGLE POLE SCAFFOLDS
No. 3 HEAVY DUTY SCAFFOLDS

Type of use	Heavy duty				
Uniformly distributed load	Not to exceed 75 lbs. per sq. ft.				
Max. height of scaffold.	20'	40'	60'	80'	
				Top 60' Lower Sect.	
Poles or uprights (min.)	3x4 or 2x6	4x4	4x6	4x6	6x6
Pole foundation (min.).				2x9	
Max. pole spacing (longi- tudinal)				6'-0"	
Max. width of scaffold..	5'-0"			8'-0"	
Bearers or putlogs (min.)	3x5		3x6 or 2x9 (on edge)		
Ledgers (min.)	2x9		(on edge)		
Vertical spacing of ledg- ers (max.)			6'-6"		
Non-supporting stringers			2x4		
Tie-ins			1x6		
Bracing			1x6		
Planking			2x9		
Toeboards			2x9		
Guard rails			2x4		

Ledgers shall not be spliced between poles but shall over-lap the poles by at least four (4) inches. When put-logs or bearers are used and the ledgers are lapped, bearing-blocks shall be nailed to the poles to support the ledger.

All put-logs shall be set with the greater dimension vertical and shall be long enough to project beyond the outer edge of the poles by at least twelve (12) inches. Put-logs shall be supported on the ledger and located against the sides of the poles and nailed to either the pole or the ledger. The other end of the put-log shall rest in the wall of the building with at least a four (4) inch bearing and shall not be notched or cut down, except in "light duty" scaffolds.

Diagonal bracing shall be provided for the entire outside face of the scaffold.

7.5.2 Independent Pole Scaffolds—Before any wood scaffold more than eighty (80) feet in height is erected, plans showing the design and the sizes of all structural members of such scaffold shall be submitted to the borough superintendent for his approval.

Every independent pole scaffold shall be constructed with members of a size not less than that given in Table D, "Minimum Size Maximum Spacing of Members of Independent Pole Scaffolds."

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Ledgers shall not be spliced between poles but shall over-lap the poles by at least four (4) inches. When put-logs or bearers are used and the ledgers are lapped, bearing blocks shall be nailed to the pole to support the ledger.

Bearers shall be set with their greater dimensions vertical and long enough to project over the ledgers beyond the outer row of poles by at least twelve (12) inches and beyond the inner row of poles by at least two (2) inches. Bearers shall be supported on the ledgers and located against the sides of the poles and nailed to the poles.

Diagonal bracing shall be provided for the entire outside face of the scaffold and for the entire inside face, except that on working levels such diagonal bracing on the inside face may be omitted.

Free standing independent pole scaffolds shall have a minimum base dimension of not less than twenty-five (25) per cent of the height of the scaffold.

TABLE D

MINIMUM SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS

No. 1 LIGHT DUTY SCAFFOLDS

Type of use	Light duty				
Uniformly distributed load	Not to exceed 25 lbs. per sq. ft.				
Max. height of scaffold.	20'	40'	60'	80'	
				Top 60'	Lower Sect.
Poles or uprights (min.)	2x4	3x4 or 2x6	4x4	4x4	4x6
Pole foundation (min.).			2x9		
Max. pole spacing (longitudinal):					
With 1½x9 ledgers...			6'-0"		
With 2x9 ledgers.....			10'-0"		
Max. pole spacing (transverse)			10'-0"		
Ledgers (minimum) ...			1½x9 (on edge)		
Vertical spacing of ledgers (max.)			7'-0"		
Bearers (minimum) ...			1½x9 (on edge)		
Non-supporting stringers			1x4		
Bracing			1x4		
Planking:					
Not more than 6' span.			1½x9		
More than 6' span....			2x9		
Toeboards			1x8		
Guard rails			2x4		

TABLE D

MINIMUM SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS

No. 2 REGULAR DUTY SCAFFOLDS

Type of use	Regular duty				
Uniformly distributed load	Not to exceed 50 lbs. per sq. ft.				
Max. height of scaffold.	20'	40'	60'	80'	
				Top 60'	Lower Sect.
Poles or uprights (min.)	3x4 or 2x6	4x4	4x6	4x6	6x6
Pole foundation (min.).			2x9		
Max. pole spacing (longitudinal)			10'-0"		
Max. pole spacing (transverse)			10'-0"		
Ledgers (minimum) ...			2x9 (on edge)		
Vertical spacing of ledgers			6'-0"		
Bearers (minimum) ...			2x9 (on edge)		
Non-supporting stringers			1½x4 or 1x6		
Bracing			1x6		
Planking:					
Not more than 6' span.			1½x9		
More than 6' span....			2x9		
Toeboards			2x9		
Guard rails			2x4		
Between toeboard and guard rail ½" wire mesh composed of No. 18 Steel Wire Gauge.					

TABLE D

MINIMUM SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS

No. 3 HEAVY DUTY SCAFFOLDS

Type of use	Heavy duty				
Uniformly distributed load	Not to exceed 75 lbs. per sq. ft.				
Max. height of scaffold.	20'	40'	60'	80'	
				Top 60'	Lower Sect.
Poles or uprights (min.)	4x4	4x4	4x6	4x6	6x6
Pole foundation (min.).			2x9		

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Type of use	Heavy duty
Max. pole spacing (longitudinal)	6'-0"
Max. pole spacing (transverse)	10'-0"
Ledgers (minimum) ...	2x9 (on edge)
Vertical spacing of ledgers	4'-6"
Bearers (minimum)	2x9 (on edge)
Non-supporting stringers	1½x9
Bracing	1x6
Planking	2x9
Toeboards	2x9
Guard rails	2x4

7.5.3 Outrigger Scaffolds.

Outrigger scaffolds shall have heavy timber outriggers not less than 3 inches x 10 inches set on edge projecting through the wall or window opening not more than six (6) feet from the face of the building, with the inner end extending into the building and securely fastened in place and braced to prevent tipping or turning. Outriggers shall be spaced not more than ten (10) feet on centers. The platform shall be constructed of planks not less than 2 inches x 9 inches securely nailed to the outriggers and laid tight except that a three (3) inch gap along the wall of the building may be permitted. The ends of the planks shall not project more than eighteen (18) inches beyond the outrigger.

Every outrigger scaffold shall be provided with a standard railing and toeboard. Rule 7.13. The uprights for the standard railing shall be securely braced to the outrigger. The space between the toeboard and the railing shall be filled in with a wire screen composed of not less than No. 18 Steel Wire Gauge with a one-half (½) inch mesh.

7.5.4 Swinging Scaffolds.

The platform of every swinging scaffold shall be not less than twenty (20) inches nor more than thirty (30) inches in width. Each end of the platform shall be supported by a steel or iron stirrup or hanger formed to support the platform and shall have a loop to support the guard rail and a loop or eye at the top for securing the supporting hook on the block. The hanger or stirrup shall be placed not less than six (6) inches nor more than eighteen (18) inches from the end of the platform.

The guard rails shall be of wood not less than 2 x 3 in. cross-section or of other material of such size and shape as to provide equivalent strength and rigidity. The guard rail shall be not less than thirty-four (34) inches nor more than forty-eight (48) inches above the platform, shall be properly supported at intervals of not more than ten (10) feet and shall extend for the full length of the platform. A toeboard not less than 1 x 4 in. cross-section shall be provided on the outside edge of the platform.

The supporting hooks or roof-irons shall be of steel or wrought iron not less than seven-eighths (7/8) inch in diameter, or the equivalent, and shall be securely anchored during use. Plow steel cable not less than one-half (½) inch in diameter or the equivalent shall connect the upper block to the supporting hook or roof iron.

Where rope is used for the support of swinging scaffolds, it shall be not less than three-quarters (¾) inch in diameter, first quality unspliced Manila rope, or its equivalent in strength and suitability. Rope suspended scaffolds shall not be permitted for or near any work where acid is used or where the upper block is more than one hundred (100) feet above the platform. Rope suspended swinging scaffolds shall be limited to light duty use.

Every swinging scaffold, the platform of which is more than one hundred (100) feet below the upper supporting block, shall be equipped with an approved device to raise, lower and hold the scaffold in position.

All ropes, cable, blocks, slings, hangers and other supporting parts shall be capable of safely sustaining the loads to which they will be subjected with a factor of safety of four (4).

All ropes, slings and cable shall be tested after every installation and before any workman is permitted on the scaffold and every ten (10) days thereafter if the scaffold is in use continuously. A record of such test shall be kept, such record to specify the time and place of the test.

The platforms of swinging scaffolds shall be lashed or secured to hold them in position and to prevent their swaying from the building. Rollers or fenders may be used to prevent the scaffold from marring the face of the building.

Two (2) or more swinging scaffolds shall not be combined into one (1) by bridging the distance between them with planks or with any other form of construction. Not more than two (2) men shall be permitted to work on any swinging scaffold at any one time.

The platform of every swinging scaffold shall be one of the three following types: (1) the ladder type, consisting of boards upon a horizontal ladder the sides of which are parallel, (2) the plank type, consisting of planks supported on the stirrups or hangers, or (3) the beam type, consisting of longitudinal side stringers, with cross beams set on edge and spaced not more than four (4) feet apart on which the longitudinal platform planks are laid.

7.5.5 Ladder Type Platforms—Type 1.

The side stringers of the horizontal supporting ladder shall be of clear spruce or other material equivalent in strength and durability. The rungs shall be of straight grained oak, ash or hickory not less than one and one-eighth (1⅛) inches in diameter with seven-eighths (7/8) inch tenons mortised into the side stringers at least seven-eighths (7/8) of an inch. The stringers shall be tied together with tie rods not less than one-quarter (¼) inch in diameter located not more than five (5) feet apart passing through the stringers and riveted up tight against washers at both ends.

The platform shall be of sufficient width to fill the space between the sides of the ladder and shall be securely fastened to the hangers by U-bolts passing around the hangers and bolted up tight or by other equivalent means. The ladder type platform shall be constructed in accordance with the schedule listed in Table E, "Schedule for Ladder Type Platforms."

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TABLE E

SCHEDULE OR LADDER TYPE PLATFORMS

	LENGTH OF PLATFORM				
	15'-0"	16'-0"	18'-0"	20'-0"	24'-0"
Width (max.)	30"	30"	30"	30"	30"
Cross-section of side stringers (min.)					
(a) at ends (ins.)	1 $\frac{7}{8}$ x2 $\frac{3}{4}$	1 $\frac{7}{8}$ x2 $\frac{3}{4}$	1 $\frac{7}{8}$ x3	1 $\frac{7}{8}$ x3	1 $\frac{7}{8}$ x3
(b) at middle (ins.)	1 $\frac{7}{8}$ x3 $\frac{3}{4}$	1 $\frac{7}{8}$ x3 $\frac{3}{4}$	1 $\frac{7}{8}$ x4	1 $\frac{7}{8}$ x4	1 $\frac{7}{8}$ x4 $\frac{1}{2}$
Rungs (min.)					
(a) number	10	11	12	13	16
(b) diameter (ins.)	1 $\frac{1}{8}$	1 $\frac{1}{8}$	1 $\frac{1}{8}$	1 $\frac{1}{8}$	1 $\frac{1}{8}$
Tie Rods (min.)					
(a) number	4	4	4	4	5
(b) diameter (ins.)	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$
Flooring (ins.) (min.)	$\frac{1}{2}$ x3	$\frac{1}{2}$ x3	$\frac{1}{2}$ x3	$\frac{1}{2}$ x3	$\frac{1}{2}$ x3

7.5.6 Plank Type Platforms—Type 2.

Plank platforms shall be composed of planks of uniform thickness and such planks shall be not less than two (2) inches in thickness and eight (8) inches in width. The planks shall extend not less than six (6) inches nor more than eighteen (18) inches beyond the supporting hangers and a bar shall be nailed across the platform on the underside at each end to prevent the platform from slipping off the hanger. Where two (2) or more planks are used they shall be fastened together by cleats not less than 1 inch x 6 inches nailed on the underside at intervals of not more than four (4) feet. Planks shall not be spliced. The clear span of the platform planks between supports shall not exceed ten (10) feet.

7.5.7 Beam Type Platforms—Type 3.

Beam platforms shall have side stringers of straight grained lumber not less than 2 inches x 6 inches set on edge. The stringers shall be supported on the stirrups or hangers and the clear span between hangers shall not exceed sixteen (16) feet. The ends of the stringers shall extend beyond the hangers not less than six (6) inches nor more than eighteen (18) inches and shall be bolted to the hangers by U-bolts passing around the hangers and bolted to the stringers.

The platform shall be supported on 2 inch x 6 inch cross beams cut in between the side stringers, securely nailed thereto, and spaced not more than four (4) feet on centers. The platform shall be framed of material not less than 1 inch x 6 inches nailed tight together and extended to the outside face of the stringers. The ends of all platform boards shall rest on the cross beams and shall be securely nailed.

7.5.8 Suspended Scaffolds.

Suspended scaffolds shall be equipped with an approved hoisting machine of either the platform or overhead type securely fastened either to the bearers or to the outrigger as the design warrants. The outrigger shall be equivalent in strength to a standard 7-inch 15.3 lb. steel I-beam; shall be not less than fifteen (15) feet in length and shall be securely anchored to the

building by U-bolts and anchor plates or by beam-clamp connections or by other equally effective methods. The outrigger shall project not more than six (6) feet, six (6) inches beyond the bearing point unless the outriggers are doubled or increased in size proportionally. The spacing between outriggers shall not exceed ten (10) feet.

Outriggers shall be set with the web in a vertical position and the platforms shall be supported by steel wire cables not less than one-half ($\frac{1}{2}$) inch in diameter which shall be securely fastened to the outriggers by steel shackles or by other equally effective means. The other ends of the steel suspension cables shall be securely attached to the hoisting machines.

The shackles supporting the outside cable of every suspended scaffold shall be placed not more than six (6) feet from the bearing of the outrigger and the shackles supporting the inner cable shall be placed not more than two (2) feet beyond the bearing point of the outrigger.

The platforms shall be limited to eight (8) feet in width. The platform plank shall be not less than one and one-quarter ($1\frac{1}{4}$) inches in thickness for a six (6) foot span or two (2) inches in thickness for a ten (10) foot span. Such planking shall be laid tight; shall be securely fastened to the bearers and shall overlap the supporting bearers at each end of the scaffold by not more than eighteen (18) inches. Each platform bearer shall be of steel equivalent in strength to that offered by a pair of 2 x 2 x $\frac{3}{16}$ standard angles.

The outside edge of the platform shall be protected by a guard rail and railing as provided for in Rule 7.13. The space between the toe-board and the railing shall be filled with wire netting formed of No. 18 Steel Wire Gauge with a one-half ($\frac{1}{2}$) inch mesh.

An overhead protection shall be provided for all suspended scaffolds. This overhead protection shall consist of planking not less than two (2) inches in thickness, placed at a height of not more than ten (10) feet above the working platform and maintained at all times while men are at work on the scaffold.

Substantial strap-iron hooks or other effective means shall be employed to prevent the scaffold from swaying away from the structure.

7.5.9 Horse Scaffolds.

Horse Scaffolds shall be limited to three (3) tiers of horses or a total height of not more than fourteen (14) feet. Horses shall be made of sound, straight-grained material, rigidly braced, having members of a size not less than those given in the following schedule:

Members	Dimensions
Horizontal member or bearer.....	3" x 4"
Legs	1 $\frac{1}{4}$ " x 4 $\frac{1}{4}$ "
Longitudinal Braces	1 $\frac{1}{4}$ " x 4"
Half diagonal Braces.....	1 $\frac{1}{4}$ " x 2 $\frac{1}{4}$ "

All horse scaffolds shall be set on substantial and level foundations equivalent to that afforded by planking not less than two (2) inches in thickness. Horses shall be spaced not more than six (6) feet apart for heavy duty scaffolds, not more than eight (8) feet apart for regular duty scaffolds, and not more than ten (10) feet apart for light duty scaffolds. Planks shall be laid with their edges close together and so arranged that the planks cannot tip or cause the horses to spread.

Where successive rows of horses are used, each horse shall be placed directly over the horse in

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the tier below. On all horse scaffolds more than one (1) row in height, the planks shall be nailed to the horses and the legs of the horses shall be nailed to the planks on which they rest.

Where horse scaffolds are erected on an outrigger scaffold platform, the platform shall be of sufficient width to permit the horses to stand squarely upon it. Every horse erected on an outrigger scaffold shall be directly above the outrigger and shall have its legs nailed to the platform plank and the planking forming the platforms shall be nailed to the backs of the horses.

7.5.10 Carpenters' Bracket Scaffolds.

Carpenters' bracket scaffolds shall be limited to light duty use and shall be constructed of triangular framed portable brackets and platforms of planks. The brackets shall be of metal or of straight-grained dressed material not less than 2 inch x 3 inch mortised together and bolted. The supporting bolt shall be not less than five-eighths ($\frac{5}{8}$) inch in diameter, securely fastened to the bracket, and of sufficient length to extend well inside the studs and shall be provided with a washer and a lever handle nut. The bracket shall be erected by passing the bolt through a 2 inch x 6 inch timber laid horizontally across the inside of two (2) studs and then tightening the bolt by means of the lever handle nut.

The platform shall be not less than twenty (20) inches in width and shall be composed of planking not less than two (2) inches in thickness laid tight together and overlapping the bracket by not less than six (6) inches nor more than eighteen (18) inches. Brackets shall be placed not more than nine (9) feet apart. The brackets shall have their supporting bolts or hooks near the top of the bracket.

7.5.11 Bricklayers' Square Scaffolds.

Bricklayers' square scaffolds shall not be used as heavy duty scaffolds and shall be composed of framed wood squares or jacks constructed of clear material. The squares shall not be larger than five (5) feet wide and five (5) feet high and the minimum size of members shall be not less than those specified in the following schedule:

Members	Dimensions
Bearers or horizontal members....	2" x 6"
Legs	2" x 6"
Braces at corners.....	1" x 6"
Braces diagonally from center frame	1" x 8"

The squares or jacks shall be braced on both sides of each corner with 1 inch x 6 inch bracing-pieces cut in the form of a triangle. The squares shall have braces 1 inch x 8 inches in size on both sides running from the center of each member to the center of the adjacent member.

The squares shall be set not more than five (5) feet apart for heavy duty scaffolds nor more than eight (8) feet apart for light duty scaffolds. 1 inch x 8 inch bracing extending from the bottom of one square to the top of the next adjacent square shall be provided on both the front and rear sides of the scaffold. Bricklayer's square scaffolds shall be limited in height to three (3) tiers or fifteen (15) feet.

Platform planks shall be not less than two (2) inches in thickness. The ends of the planks shall overlap on the back of the squares and each plank shall be supported by not less than three (3) squares. Planks shall overlap the

squares by not less than six (6) inches and not more than six (6) inches. Square scaffolds when built up in rows shall be so constructed that the squares shall be directly one above the other. The upper rows shall stand on continuous rows of planks laid across the next lower rows and nailed down and cleated on the under side of the supporting square to prevent the movement of the planks or the swaying of the scaffold. The scaffold shall be set up on a level and unyielding foundation equivalent to that offered by 2 inch x 9 inch planking.

7.5.12 Needle Beam Scaffolds.

Needle beam scaffolds shall be used only for the support of men doing riveting, plastering, pointing and other similar work and shall not be used for the storage of any materials. The needle beams shall be not less than 4 inches x 6 inches in size with the greater dimension vertical and shall be of one length and provided with intermediate supports or hangers. Ropes used for the support of needle beams shall be first class Manila fibre not less than one (1) inch in diameter and attached to the needle beams by a "square hitch" which shall be so tied as to prevent the needle beam from rolling or otherwise becoming displaced. Provision shall be made to prevent the rope from slipping off the end of the beam.

Where the span between the needle beams is ten (10) feet or less the platform planks shall be not less than two (2) inches in thickness and shall be increased in thickness as the span is increased. Platform planks shall be not less than two (2) feet longer than the span between needle beams. Platforms shall be not less than four (4) planks in width or more than six (6) feet wide.

Where needle beam scaffolds are used where one beam is higher than the other or where the planks are not level, the platform shall be secured against slipping.

7.5.13 Boatswain's Chair.

Boatswain's chairs shall be attached by means of a sling to a suspension rope or cable, securely fastened to an overhead fixed object or passed through an overhead block securely fastened, with the free end attached to a fixed and easily accessible object and the chair raised or lowered as necessary by the workman with or without the aid of helpers. The chair itself shall have a seat not less than two (2) feet long by ten (10) inches wide and two (2) inches in thickness. Cleats shall be substantially secured to each end of the seat.

7.5.14 Ladder Jack Scaffolds.

All ladder jack scaffolds shall be limited to light duty use and shall be of an approved type and shall be clamped or otherwise securely fastened to the ladder and shall be so designed that the loads on the planking shall be transmitted through the jack and to the side rails of the ladder and not through the rungs. Ladder jack scaffolds shall be limited in height to twenty (20) feet above grade or a permanent floor.

All ladders used in conjunction with ladder jacks shall be designed and constructed in accordance with the requirements of Rule 7.6 "Ladders." Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with approved devices, as to prevent slipping.

Platform planks shall be not less than two (2) inches in thickness and shall overlap the bearing surface by not less than twelve (12) inches.

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The span between supports shall be limited to ten (10) feet.

Not more than two (2) persons shall be permitted to occupy any ladder jack scaffold at any one time.

7.5.15 Window Jack Scaffolds.

All window jacks shall be of an approved type and shall be used only for the purpose of working at the window opening through which the jack is placed. Window jacks shall be constructed to sustain a working load of not less than two hundred (200) pounds with a factor of safety of four (4) and not more than one person shall be permitted on a window jack scaffold at any one time.

Window jacks shall not be used as the supporting element of scaffolds or other devices and the placing of planks between one window jack and the jack of an adjacent window shall be prohibited.

Window jack scaffolds shall be limited to light duty use and shall be provided with a protective rail unless safety belts as required by Rule 2.2.1, "Life-lines, Safety-belts or Life-nets," shall be provided for the workmen.

7.5.16 Roofing Brackets.

Roofing brackets shall be triangular in shape; the diagonal member sloped to fit the pitch of the roof and the horizontal member level to support the platform. Roofing brackets shall be securely supported by means of ropes of first class Manilla grade not less than three-fourths ($\frac{3}{4}$) inch in diameter passing over the ridgepole of the building, or by nails of adequate size, or by means of pointed projectors driven their full length into the frame of the roof.

Where roofing brackets are used on roofs which are more than twenty (20) feet from the ground to the eaves, and where such roof lacks a parapet and has a slope greater than three (3) inches in one (1) foot, a substantial scaffold platform shall be provided within two (2) feet of the eaves and of sufficient width to extend at least two (2) feet beyond the projection of the eaves. Such platform shall be equipped with a guard rail but as an alternative to the installation of such a platform each man working on the roof shall be provided with a life-line in accordance with the requirements of Rule 2.2.1 "Life-lines, Safety-belts or Life-nets."

7.5.17 Crawling Boards or Chicken Ladders

Crawling boards or chicken ladders shall not be less than eight (8) inches in width and not less than one (1) inch in thickness and shall be provided with nailed cross-strips or cleats not less than 1 inch x $1\frac{1}{2}$ inches and as long as the width of the board itself. The board shall be laid on the roof so that its length extends from the ridgepole to the eaves and the upper end shall be securely fastened to the ridge with hooks, cleats or equivalent means.

When crawling boards are used on roofs where the pitch is more than three (3) inches in one (1) foot, catch platforms or life-lines as required in Rule 7.5.16, "Roofing Brackets" shall be provided.

7.5.18 Metal Scaffolds and Equipment.

The manufacturers of any type of metal scaffold and equipment which has been in successful use or the adequacy of which has been shown by test, shall have the right to present the data on which their design is based, to the Board for special consideration. The Board shall investigate the data so submitted and shall consider issuing an approval setting forth the conditions under which it may be used.

7.6 Ladders.

7.6.1 Requirements.

Except where either permanent or temporary stairways or suitable ramps or runways are provided, ladders shall be used to give access to all floors and to all platforms or scaffolds where work is being performed five (5) feet or more above the ground or above a permanent or temporary floor. Such ladders shall be left in place until the permanent or temporary stairways are completed and ready for use.

7.6.2 Side Rails.

Ladders shall have parallel or spreading side rails constructed of Eastern or Sitka spruce, oak, Douglas fir or material equivalent in strength and durability. Side rails shall be made of thoroughly seasoned material free from shakes, cross breaks, checks over six (6) inches in length or more than one-half ($\frac{1}{2}$) inch deep, decay or other weakening defects. Side rails shall be dressed on all sides, shall be free from splinters, and all sharp edges shall be rounded. The cross grain in wood side rails shall not exceed a slope of one (1) in twelve (12).

Knots shall not appear in the narrow faces of side rails. In the side face of side rails, knots shall not exceed one-half ($\frac{1}{2}$) inch in diameter and shall not be closer than one-half ($\frac{1}{2}$) inch to the edge of the side rail.

7.6.3 Rungs, Steps or Cleats.

Rungs, steps or cleats shall be made of white ash, oak, hickory or other thoroughly seasoned material and free from shakes, pitch pockets, injurious checks, knots, decay or other defects. The cross grain in rungs, cleats and treads shall not exceed a slope of one (1) in fifteen (15).

A uniform step spacing shall be used which shall not exceed fourteen (14) inches.

Wood rungs shall be inserted in holes bored in the side rails which holes shall extend through the side rails or to within three-sixteenths ($\frac{3}{16}$) inch of the outside face of the rail. All holes for rungs shall be located on the center line of the side face of the side rails and the size of the holes shall be such as to insure a driving fit for the rung.

Wood treads shall be equal in width to the depth of the side rails and shall be inserted into the side rails not less than three-sixteenths ($\frac{3}{16}$) inch, fastened thereto by nails or screws, and further secured by braces, bolts, tie rods or the equivalent. Wood cleats shall be not less than $\frac{3}{4}$ x 3 inches in cross-section and shall be housed into the side rails not less than one-half ($\frac{1}{2}$) inch and nailed to each rail with two (2) 10d wire nails or the equivalent.

7.6.4 Single Ladders.

Portable single or straight ladders shall be limited to thirty (30) feet in length.

The width between side rails at the base shall be not less than twelve (12) inches for ladders up to and including twelve (12) feet in length and for longer ladders this width shall be increased not less than one-quarter ($\frac{1}{4}$) inch for each additional foot of length.

Single or straight ladders shall be provided with treads, rungs or cleats in accordance with the requirements of Rule 7.6.3 "Rungs, Steps or Cleats."

The minimum dimensions of members of single or straight ladders shall be as specified in Table G, "Schedules for Single or Straight Ladders."

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TABLE G
SCHEDULES FOR SINGLE OR
STRAIGHT LADDERS
No. 1—CONSTRUCTION OR
BUILDERS' LADDERS

Length of Side Rail (feet)	Minimum dimensions of Side Rails (inches)			
	At bottom		At top	
	Thickness	Depth	Thickness	Depth
Up to and incl. 12'.....	1½"	2¾"	1¾"	2¼"
Over 12' to and incl. 18'..	1⅝"	3"	1¾"	2¾"
Over 18' to and incl. 22'..	1¾"	3¼"	1½"	2¾"
Over 22' to and incl. 30'..	1⅞"	3⅝"	1⅝"	3"

No. 2—RECTANGULAR LADDERS

Length of Side Rail (feet)	Minimum Dimensions of Side Rails	
	Thickness (inches)	Depth (inches)
Up to and incl. 19'.....	1⅞"	2½"
Over 19' to and incl. 23'..	1⅞"	2⅝"
Over 23' to and incl. 25'..	1⅞"	2¾"
Over 25' to and incl. 27'..	1¾"	2¾"
Over 27' to and incl. 30'..	1¾"	2⅞"

NOTE: The end depth at the top shall be not less than 2¼" and the thickness at the top end not less than 1⅞".

No. 3—CLEAT LADDERS

Length of Side Rail (feet)	Minimum Dimensions of Side Rails	
	Thickness (inches)	Depth (inches)
Up to and incl. 19'.....	1⅝"	3⅝"
Over 19' up to and incl. 30'	1⅝"	5⅝"

7.6.5 Extension Ladders.

Every extension ladder shall be composed of not more than three (3) sections. The fully extended working length of the ladder shall not exceed fifty-five (55) feet.

Every extension ladder shall be equipped with metal guides and a metal shackle and pulley. Each slide section of every extension ladder shall be raised and lowered by means of a rope and pulley and shall be equipped with two (2) automatic locks of an approved type.

The minimum dimensions of the members of extension ladders shall be as specified in Table H, "Schedule for Extension Ladders."

TABLE H
SCHEDULE FOR EXTENSION LADDERS

Full extended length of ladder (feet)	Minimum dimensions of side rails		Min. lap (feet)	Minimum distance between side rails at bottom (inches)
	Thickness (inches)	Depth (inches)		
Up to and incl. 19'.....	1⅞"	2½"	3'	14½"
Over 19' up to and incl. 23'	1⅞"	2⅝"	3'	14½"
Over 23' up to and incl. 25'	1⅞"	2¾"	3'	15"
Over 25' up to and incl. 27'	1¾"	2¾"	3'	15"
Over 27' up to and incl. 30'	1¾"	2⅞"	3'	16"
Over 30' up to and incl. 33'	1⅝"	3"	3'	16"
Over 33' up to and incl. 38'	1⅝"	3¼"	3'	17"
Over 38' up to and incl. 42'	1⅝"	3½"	4'	17"
Over 42' up to and incl. 45'	1½"	3½"	4'	18"
Over 45' up to and incl. 52'	1⅝"	3¾"	5'	18"
Over 52' up to and incl. 55'	1¾"	3¾"	5'	18"

*For a three-section extension ladder each lap may be four (4) feet.

7.6.6 Sectional Ladders.

The fully extended working length of every sectional ladder shall be limited to thirty (30) feet. The minimum dimensions of side rails shall be not less than the following:

Length of Ladder (in feet)	Side Rail	
	Thickness (inches)	Depth (inches)
Up to and incl. 21'.....	1⅞"	2¾"
Over 21' to and incl. 30'	1⅞"	3⅞"

Every connection joint of every sectional ladder shall be not less than one (1) foot and shall provide a good fit without binding or unnecessary play. The grooved ends of the sections shall be reinforced with a metal plate, of not less than No. 18 U. S. Gauge properly secured thereto, and a rivet above the groove extending through the depth of the rail. Every sectional ladder shall be provided with rungs in accordance with the requirements of Rule 7.6.3, "Rungs, Steps or Cleats."

7.6.7 Step Ladders.

Step ladders shall be limited to twenty (20) feet in length (of side rail). Every step ladder shall have members of a size and section of not less than the following:

Length of Side Rail (in feet)	Side Rail	
	Thickness (inches)	Depth (inches)
Up to and incl. 10'....	25/32"	2¾"
Over 10' to and incl 12'	25/32"	3"
Over 12' to and incl. 16'	25/32"	3¼"
Over 16' to and incl. 20'	1"	3¼"

NOTE: Where the tread gain or step inset is more than ⅛" the size of the side rail shall be increased proportionally.

The minimum width between side rails inside to inside at the top step shall be not less than twelve (12) inches, with an increase in width toward the bottom of not less than one (1) inch for each foot of ladder length.

Every step ladder shall be so constructed that in the open position all treads or steps are level. The front section shall have a minimum slope of three and one-half (3½) inches and the back section a minimum slope of two (2) inches for each foot of side rail length.

A locking device or spreader to hold the front and back sections of the ladder in the open position shall be an integral part of every step ladder. Metal hinges shall join the front and rear sections of every step ladder at the top.

The steps shall be treads or rungs in compliance with Rule 7.6.3, "Rungs, Steps or Cleats." Rungs or lateral cross bracing shall be used to stiffen the back section and where the back section is not provided with steps or rungs but is rigidly braced, the depth of the side rail of the rear section may be one (1) inch less than that given in the above schedule.

7.6.8 Trestle Ladders.

Trestle ladders shall be limited to twenty (20) feet in length (of side rail). Extension trestle ladders shall be limited to a total height of twenty (20) feet.

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The dimensions of side rails of trestle ladders and the bases of extension trestle ladders shall be not less than the following:

Length of Side Rails (feet)	Minimum Thickness (inches)	Minimum Depth (inches)
Up to and incl. 12'....	1 5/16"	2 1/2"
Over 12' to and incl. 16'	1 5/16"	2 3/4"
Over 16' to and incl. 20'	1 5/16"	3 1/4"

The dimensions of side rails of the extension section shall be not less than the following:

Length of Side Rails (feet)	Minimum Thickness (inches)	Minimum Depth (inches)
Up to and incl. 12'....	1 5/16"	2 1/2"
Over 12'	1 5/16"	2 3/4"

The distance between side rails of trestle ladders shall be not less than twelve (12) inches. The spread of the side rails for trestle ladders, and for the bases of extension trestle ladders shall be not less than one (1) inch per foot of length of ladder. The extension sections shall have parallel side rails.

Trestle ladders and the base sections of extension trestle ladders shall be so spread that the length of the trestle base at the bottom, inside to inside, is not less than five and one-half (5 1/2) inches per foot of length of ladder.

Substantial metal hinges shall join the front and back sections of every trestle ladder at the top, and a locking device or spreader to hold the ladder in an open position shall be a component part of each ladder.

An approved locking device shall be used to attach and secure the extension ladder to the trestle base.

When extension trestle ladders are used in connection with a scaffold all component parts of the scaffold shall be securely and rigidly braced.

7.6.9 Use of Ladders.

Every portable ladder when in use shall be inclined to such a pitch that the horizontal distance from the base of the ladder to the point of support is not less than one-fourth (1/4) the length of the ladder, unless both the upper and lower ends of the ladder are **securely fastened** to a rigid and permanent support.

Ladders shall be maintained in good condition at all times. The joint between the steps and side rails shall be tight; all hardware and footings shall be securely attached, and the moving parts shall operate freely without binding or undue play. Portable ladders shall be so placed that the side rails have a secure footing. The top rests for ladders shall be **reasonably rigid** and shall have ample strength to support the applied load.

Ladders shall not be spliced together to provide a longer ladder. Ladders shall not be placed on boxes, barrels or other unstable objects to obtain additional height, but shall rest on firm and level surfaces to prevent slipping or overturning.

Every ladder more than fifteen (15) feet in length shall, during use, be securely lashed to some stationary object or held in place by a workman. Every ladder, except free-standing step ladders and trestle ladders, shall be equipped with approved non-slip shoes or bases or

otherwise adequately secured or placed to prevent slipping.

Side rails of ladders shall extend not less than forty-two (42) inches above the floor, platform or landing which they serve. Every ladder which serves a floor, platform or landing shall be securely fastened both at the top and at the bottom so that it cannot move in any direction.

Ladders shall not be used in lieu of scaffolds and only such work shall be performed by a workman on a ladder as will permit said workman to maintain a secure hand-grip on the ladder with one hand; except that a ladder may be used for performing such work as may be performed through the rungs of the ladder. Ladders shall be smooth and free from **projecting** nails, splinters and slivers.

7.7 Runways and Ramps.

Runways and ramps shall be substantially constructed and securely braced and supported. Runways and ramps for the use of vehicles shall have a width of not less than twelve (12) feet and shall be provided with timber curbs not less than 8 inches x 8 inches placed parallel to, and secured to, the sides of the runway or ramp. The planking shall be not less than three (3) inches in thickness.

Runways and ramps for the use of workmen shall be not less than eighteen (18) inches in width and shall be constructed of planking not less than two (2) inches in thickness, substantially supported and braced to prevent excessive spring or deflection.

Planking for runways and ramps shall be laid close and shall be butt joined and securely nailed.

Runways or ramps for the use of workmen and located more than seven (7) feet above a floor or platform shall be provided on the open sides with a standard railing and toeboard in compliance with the requirements of Rule 7.13, "Standard Railing and Toeboard." Runways used for wheel-barrows, hand-carts or hand-trucks shall be not less than thirty-six (36) inches in width.

Ramps shall have a slope not exceeding one (1) in four (4) and the total rise of a continuous ramp shall not exceed twelve (12) feet, unless broken by horizontal landings at least four (4) feet in length. If the slope is greater than one (1) in eight (8), the ramp shall be provided with cleats spaced not more than fourteen (14) inches apart and securely fastened to the planking to afford a foot-hold. Spaces in the cleats may be provided for the passage of the wheels of vehicles.

7.8 Platforms.

Platforms used as working areas, or for the unloading of wheel-barrows, hand-trucks or carts, shall have a floor of planking not less than two (2) inches in thickness. Platforms used for trucks shall have planking not less than three (3) inches in thickness.

Every platform more than ten (10) feet above the ground or above a floor shall be provided with a guard rail and railing, in compliance with Rule 7.13, "Guard Rail and Railing," except that the side of a platform used for the loading or unloading of vehicles may be protected by a timber curb not less than 8 inches x 8 inches for heavy vehicles or 4 inches x 4 inches for wheel-barrows and hand-trucks in lieu of such standard railing and toeboard.

7.9 Elevated Walkways.

Elevated walkways used for passage from place to place by workmen shall be constructed in compliance with the requirements of Rule 7.7, "Runways and Ramps."

7.10 Floor Openings.

Every floor opening shall be guarded by a Standard Railing and Toeboard in compliance with Rule 7.13,

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"Guard Rail and Railing," or as an alternative, the openings may be planked over with planks laid close, and such planking shall be not less than two (2) inches in thickness.

Wherever railings or planking have been temporarily omitted or removed to permit the installation of work or the handling of material, such railings or planking shall be promptly and properly replaced in position upon the ceasing of such work or the handling of such material.

7.11 Stairways.

Where a building has progressed to the extent that floor conditions permit the installation of the permanent stairways but where it has not been practicable to install such permanent stairways, there shall be installed at least one temporary stairway for the entire height of the structure, which stairway shall be continued up as the work progresses and shall remain in place until the permanent stairways shall have been installed.

Such temporary stairways shall have treads of not less than 2 inch x 10 inch plank and stringers of not less than 2 inch x 10 inch plank. Temporary stairways shall be not less than three (3) feet in width and shall be substantially constructed and rigidly braced. Stairways more than five (5) feet in width shall be provided with an intermediate stringer.

Stairways with steel treads and landings which are to be afterward filled in with concrete or other tread surfacing, shall be provided with temporary wooden treads carefully fitted in place and extending to the edge of the metal nosing and over the full width of the treads and landings. Skeleton iron stairs shall have wooden treads not less than two (2) inches in thickness.

All treads and landings shall be free from protruding nails, debris or other materials.

The stairwells of temporary wooden stairways and permanent stairways on which the enclosure or guard rail has not been erected shall be provided on all open sides with a standard railing and toeboard in compliance with Rule 7.13, "Standard Railing and Toeboard."

Temporary stairs shall have an unbroken vertical rise of not more than twelve (12) feet. Every stairway shall be provided with handrails not less than thirty (30) inches nor more than forty (40) inches high, measured vertically from the tread to the top of the rail.

7.12 Catch Platforms.

Catch platforms shall be constructed as provided for in Rule 6.17.

7.13 Guard Rail and Railing; Standard Railing and Toeboard.

A guard rail shall be a wood or metal railing not less than thirty-six (36) inches or more than forty-eight (48) inches in height and shall be provided with an intermediate rail midway between the top rail and the floor, constructed in a substantial manner, smooth, and free from protruding nails, splinters, or slivers. The uprights shall be not less than 2 inches x 4 inches, or the equivalent, spaced not more than eight (8) feet apart. The top rail shall be not less than 2 inches x 4 inches, or the equivalent, and the mid-rail not less than 1 inch x 4 inches.

A guard rail, if of wood, shall be not less than 1 inch x 6 inches. The railing shall be installed on edge, securely fastened to uprights spaced not more than eight (8) feet apart, and so installed that no open space exists between the floor and the toeboard and that the clear height from the floor level to the top edge of the railing is not less than five (5) inches. Such barriers shall not be placed closer than two (2) feet of any opening. See Rule 2.16.11.

A standard railing shall be a wood or metal railing not less than thirty-six (36) inches or more than forty-eight (48) inches in height and shall be provided with an intermediate rail midway between the top rail and the floor, constructed in a substantial manner, smooth, and free from protruding nails, splinters, or slivers. The uprights shall be not less than 2" x 4", or the equivalent, spaced not more than eight (8) feet apart. The top rail shall be not less than 2" x 4", or the equivalent, and the mid-rail not less than 1" x 4".

A standard toeboard, if of wood, shall be not less than 1" x 6". The toeboard shall be installed on edge, securely fastened to uprights spaced not more than eight (8) feet apart, and so installed that no open space exists between the floor and the toeboard and that the clear height from the floor level to the top edge of the toeboard is not less than five (5) inches.

7.14 Use of Elevators.

Every temporary elevator car used for carrying workmen shall have the hoistway, in which it travels, completely enclosed for its entire height and all openings into such hoistway shall be protected with self-latching or manually latched doors locked on the hoistway side. Controls shall be so arranged that the car cannot travel while car door is open.

The car shall be enclosed on all sides and the entrance shall be provided with a door or gate which must be closed before the car can be put in motion. The top of each elevator car shall be provided with a strong and substantial cover openable from the inside of the car.

The elevator machinery and controls shall be housed as a protection against accidents and the weather and the entrance kept locked against unauthorized entrance.

In all other respects the construction and use of elevators shall comply with the requirements of the Administrative Building Code.

7.15 Hoistways.

At least two (2) sides of every material hoistway within any building or structure shall be enclosed at each floor for the full story height with wire netting of not less than No. 18 Steel Wire Gauge with a one-half ($\frac{1}{2}$) inch mesh or with other material affording equivalent strength and protection, and secured to uprights so spaced as to provide a strong and substantial enclosure. The enclosure shall extend not less than two (2) feet in front of the hoistway unless the entrances to the hoistway are protected by gates.

All openings into the hoistway shall be protected by hinged or pivoted bars not less than 2 inches x 4 inches in cross section, placed at a height of not less than three (3) feet nor more than four (4) feet above the floor and located not closer than two (2) feet from the hoistway. In lieu of such shaftway bars and the extension of the hoistway enclosure to two (2) feet beyond the end of the hoistway openings, substantial gates shall be installed within four (4) inches of the face of the hoistway. Such gates shall have a maximum space between slats of two (2) inches and shall be so constructed that the top shall be not less than five and one-half ($5\frac{1}{2}$) feet above the floor and the bottom not more than two (2) inches above the floor. Where bars alone are used for protection, a standard toeboard shall be installed on every open side whenever material is not being handled from that side.

Hoistways, in which cars for the use of workmen travel, shall be protected as provided in Rule 7.14, "Use of Elevators."

A protective covering of planking or heavy wire netting shall be provided above the overhead work

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of all hoists to prevent objects from falling into the hoistway. Where it is necessary for men to work within or at an elevator shaft, hoistway or stairwell during the construction, demolition, repair or renovation of the building or structure, and where material may fall into such hoistway or shaft, an overhead protective covering shall be provided not more than two (2) stories above the level at which such men are working. In addition a similar protection shall be installed not more than one (1) story below such point at which men are working.

Such protective covering shall be equivalent in strength and suitability to that provided by planking two (2) inches in thickness laid with not more than one-fourth ($\frac{1}{4}$) inch space between planks and extending for the full area of the hoistway.

Enclosures of wire mesh, or wood slats not more than (2) inches apart, shall be installed to prevent ingress to the space under any hoist or elevator.

7.16. Hoists, Material.

7.16.1 Interior Hoistways.

All material hoistways within a building or structure shall be protected as provided in Rule 7.15, "Hoistways."

7.16.2 Outside Hoist Towers.

The car and counterweight shall be provided with safety devices capable of stopping and sustaining the car with its capacity load whenever the safeties are applied and capable of sustaining the counterweights in the event the counterweight ropes should break.

There shall be a floor under the hoistway and above the thoroughfare of such construction as will withstand without failure the impact of the car with rated load or the counterweight descending at governor tripping speed.

7.16.3 Material Hoists.

Construction of Hoist Towers—Material hoist towers shall be constructed of strong, sound timber or of structural steel, supported by a firm foundation of such dimensions as to adequately distribute the load and so as not to exceed the safe bearing capacity of the ground upon which it stands. Hoist towers shall be plumb, and shall be securely braced to ensure stability and rigidity. Such towers shall be anchored to the building at intervals of not more than twenty-five (25) feet or shall be properly guyed by means of steel cables not less than one-half ($\frac{1}{2}$) inch in diameter, securely fastened to suitable and adequate anchorages.

Hoist towers shall be erected and dismantled only by experienced men.

Hoist towers shall be erected only to a height necessary for immediate needs and shall be extended in height only when construction work has progressed sufficiently to provide for the anchorage and bracing heretofore required.

7.16.4 Enclosure of Hoist Towers and Bucket Hoistways.

Hoist towers shall be enclosed on all sides at grade and on all sides adjacent to or within three (3) feet of any floor, landing, scaffold or walkway to a height of not less than eight (8) feet. The enclosure shall be by means of wire mesh or slatted partitions adequately supported, braced and secured so as to provide a substantial enclosure. Wire mesh shall be not less than No. 18 Gauge with openings not exceeding one-half ($\frac{1}{2}$) inch. Wood slats shall be not less than three-fourths ($\frac{3}{4}$) inch in thickness and spaced not more than two (2) inches.

When outside hoisting buckets are used a barricade shall be provided at grade to permit a minimum clearance of 5 feet from all working parts.

Chutes of bucket hoistway towers shall be substantially constructed and securely braced, and properly pitched so that the material will flow by gravity. A pit shall be provided at the bottom of the tower so that any spilling from the bucket shall fall below the blocking on which the bucket rests while being filled.

7.16.5 Entrances to Hoist Towers.

All entrances to hoist towers shall be protected by substantial gates which, when closed, shall guard the full width of the landing entrance. Gates shall be not less than sixty-six (66) inches in height and located not more than four (4) inches from the hoistway line and may have an under-clearance of not more than (2) inches. Gates of grille, lattice or other open work, shall have openings of not more than two (2) inches. Gates shall be equipped with latches or locks openable from the hoistway side only.

Where it is impractical to provide gates, the landing entrance for its full width shall be protected by hinged bars not less than two (2) inches by four (4) inches or equivalent, located two (2) feet from the hoistway line. Hinged bars shall be located not less than thirty-six (36) inches nor more than forty-eight (48) inches from the floor. Where hinged bars are installed, the hoistway enclosure shall be extended to two (2) feet beyond the hoistway line.

Every hoistway gate or bar shall be kept closed except when the entrance is in use.

7.16.6 Hoist Cars.

The platform of hoist cars shall be enclosed from floor to crosshead with a solid enclosure on all sides not used for loading and unloading. At the crosshead a protective covering of planking shall be provided to protect workmen from falling material. Such protective covering may have a hinged section to provide for lengthy material.

Blocks and cleats shall be securely fastened to the floor of hoist cars to prevent accidental rolling of wheel-barrows or the shifting of other equipment.

7.16.7 Hoisting Machinery.

Hoisting machinery shall not be loaded beyond rated capacity. Brakes shall be provided which shall be properly maintained and shall be capable of stopping the machine and holding one hundred and fifty (150) per cent of the rated capacity. Automechanical non-reversing brakes shall also be provided on each hoist. Hoisting machinery shall be adequately protected against the weather and falling material. The guide rails of hoists shall be of steel or sound wood securely fastened at intervals so as not to deflect more than one quarter ($\frac{1}{4}$) inch under normal operation.

7.16.8 Operation of Hoist.

Workmen shall be prohibited from riding on any material hoist and a sign to that effect shall be conspicuously posted at every landing. Only competent, authorized men shall operate hoists. The operation of every hoist shall be controlled by a signal system. Manual signals may be used where the engineer or operator is in a position to see the signalman, but where men are loading or unloading at more than one level or where the signalman cannot readily be seen, a

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mechanical or electrical signal system shall be provided and used. Such signals shall be the signals used for operation of derricks and cranes as provided in Rule 7.19.1, "Signals."

7.17 Derricks and Cranes.

7.17.1 Requirements.

Derricks shall be so constructed, erected and operated that no part shall be stressed beyond the working strength or capacity for which it is designed. Before erection, all blocks, shackles, sheaves and the various devices on the mast and boom shall be thoroughly inspected.

The foot-block of every derrick shall be securely supported and firmly anchored against movement in any direction. Substantial shores shall be placed against the foot-blocks of the derrick to take the pull of the hoisting engine. The top of the mast on guy derricks more than twenty-five (25) feet in height shall be steadied by not less than six (6) cables equally spaced and with equal tension in the guys. All cables shall be inspected before being used and any cable showing excessive rust or a breakage of wires as great as ten (10) per cent of wires in any three (3) foot section shall be discarded.

The ends of the cables shall be placed in thimbles and secured to the guy plates by means of shackles. The cable end shall be clamped by not less than three (3) "U" clamps. Derricks shall be supported on a firm foundation. On soft soil the foot-blocks shall be placed on substantial timbers of sufficient length to distribute the load so as not to exceed the safe bearing capacity of the soil. Where a derrick is used on the floors of a building, timbers shall be placed under the foot-blocks so that derrick loads shall be transmitted to the structural frame of the building.

The booms and masts of every derrick or crane shall be constructed of selected Douglas fir or yellow pine, or shall be of steel or other material equivalent in strength and durability. Cast iron shall not be used for members or parts subjected to tension. Guy wires shall be attached to strong permanent construction or to substantial "dead men", securely anchored in the ground.

On derricks which have a boom longer than the mast the gudgeon-pin, mast-top and gooseneck shall be securely fastened to the top of the mast to prevent the pulling out of these parts when the boom is raised.

There shall be posted, in a conspicuous place on every derrick or crane, a sign showing the maximum safe lifting capacity of such derrick or crane. The engines of every derrick and crane shall be of ample capacity and shall be equipped with brakes capable of sustaining one hundred and fifty (150) per cent of the rated load for stopping and holding such loads in any position. Automechanical non-reversing brakes shall also be included in each hoist.

7.17.2 Breast Derricks.

Breast derricks shall be guyed from both the front and the rear of the derrick. Where a front guy is not possible because of the use to which the derrick is put, provision shall be made to prevent the derrick from tipping over backward. Breast derricks which are operated by hand power shall have handgrips securely and positively fastened to the shaft and a ratchet and pawl shall be provided which will engage the gear and hold the load at any desired height.

7.17.3 Operation.

Derricks shall be operated by a person skilled in the use of the particular type of derrick. The

operator shall cause a daily inspection and lubrication of the crane or derrick to be made. When the work is stopped or when the derrick or crane is not in operation, the boom shall be lowered to a horizontal position or securely tied in place to prevent accidental dropping or swaying of the boom.

Loads shall not be lifted or swung over any person and no one shall be permitted to walk under any load. On loads which have a tendency to swing freely, there shall be attached a tag-line or guide rope to control such swing. No person shall ride on derrick loads, slings or hooks.

7.17.4 Cables, Block and Tackle, Slings, Hooks and Clamps.

All cables, chains, ropes, blocks and similar tackle shall be of sufficient size and strength to safely raise, lower or sustain the load for which it is intended, in any position of operation. Unless otherwise provided for in the Administrative Building Code, the maximum allowable working load of new cables, chains, ropes and blocks shall be based on information furnished by the manufacturer of such equipment.

All hooks shall be of forged steel. Hooks that have become deformed by overloading shall not be used again, and unless such hooks have been repaired and properly heat treated, a new hook shall be substituted.

Sheaves and blocks shall be frequently inspected and kept well lubricated. Sheaves that have become worn, chipped or otherwise damaged shall not be used. Sheaves and blocks designed for use with Manila rope shall not be used with wire cables.

Cables, and blocks used to change the direction of cables, located near any floor or in the close proximity to any working area, shall be enclosed or otherwise effectively guarded against accidental contact by the workmen.

Cable which is kinked or badly rusted or which has ten (10) per cent or more of its wires broken or damaged in any three (3) foot section shall be discarded. Cables shall be securely fastened to their drums by zinc plugs or other suitable clamps and at least two (2) full turns of the cable shall remain on the winding drum at all times.

Cables shall be fastened to an object by looping the cable around the object and clamping the end by means of "U" type cable clamps. Such clamps shall be spaced so that the distance between centers is not less than six (6) times the diameter of the cable and not less than three (3) clamps shall be used on every connection. The clamps shall be so attached that the "U" part of the bolt is over the short end of the cable with the middle clamp placed in reverse to end clamps.

7.17.5 Rope.

Rope shall be of first quality long fibred Manila rope. Frozen rope shall be carefully thawed out before being used and shall be stored in a dry place. Before any rope is used it shall be carefully inspected for abrasions and severe wear.

Rope which has been exposed to acid shall not be used. Ropes shall not be made fast to sharp objects or surfaces which may cut into the strands of the rope.

7.17.6 Chains.

Chains which have deformed links or links which are stretched from their original length

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shall not be used. Chains shall not be allowed to kink.

All repairs to chains shall be made by an experienced blacksmith or chain-wright, except that alloy steel chains shall be repaired by the manufacturer of such chains.

7.17.7 Cranes Operating from Public Streets.

No crane shall be permitted to operate from a public street without a permit issued by the president of the borough in accordance with law. When such crane is permitted, the borough superintendent may permit the omission of the sidewalk bridge, but shall provide such barricades and other safeguards as he deems necessary.

7.18 Tools.

7.18.1 Hand Tools.

All hand tools shall be kept in the best possible condition. Edged tools shall be kept sharp, and hammers, sledges, cold chisels, drills and other similar tools shall be dressed frequently to remove burrs or mushroomed heads. Tools with split or loose handles shall be immediately discarded or repaired.

Hand tools shall not be permitted to lie about so as to form a tripping or falling hazard.

7.18.2 Pneumatic Tools.

Pneumatic hand tools shall be equipped with a device to hold the tool-point in the machine and shall have operating triggers or sleeves so installed that the tool can be operated only while in the hands of the workman.

Pipe lines and air hose shall be frequently inspected and all defects remedied immediately. Hose shall be of the non-kinking type and shall be securely and positively attached to the tool. Adjustments to pneumatic tools or the removing or connecting of air hose shall not be done until it has been ascertained that no air under pressure is being supplied to the hose or tool. Air hose and pipe shall be located so as not to constitute a tripping hazard and shall be protected from contact with moving objects and from abrasion by sharp edges or surfaces.

7.18.3 Electrical Tools.

Electrically operated tools shall be grounded or shall be provided with a three (3) conductor cord which shall be of oil and water resistant construction. One wire of the three (3) conductor cord shall be attached to the frame of the tool and the other end grounded.

Electric tools shall be provided with a safety trigger of such a type that the tool can be operated only while in the hands of the workman. Such safety trigger shall be so located on the tool as to prevent accidental starting of the motor when the tool is laid on a floor or platform.

Periodic examination shall be made of every electrical tool, and the cord thereof, and any abrasion, break or kink shall be immediately repaired. The cord of every electric tool shall not be so placed as to constitute a tripping hazard, nor shall it be placed where it may be subjected to damage by sharp objects or moving vehicles.

7.18.4 General.

Tools shall not be permitted to lie about so as to constitute a tripping or falling hazard. All tools shall be used for the purposes intended and shall be removed from the site when the need for such tools no longer exists.

7.19 Engines.

7.19.1 Signals.

Every engine shall be operated in response to manual signals or to the following visible or audible signal code:

(a) For platform, bucket and similar hoists the following signals shall be used:

- 1 bell (or light)—to stop
- 2 bells (or lights)—to raise
- 3 bells (or lights)—to lower
- 4 bells (or lights)—to lower slowly

(b) For hoisting cables or the cables controlling the boom movements of derricks or cranes, the following visible or audible signals shall be used:

- 1 bell (or light)—to stop
- 2 bells (or lights)—to raise
- 3 bells (or lights)—to lower
- 4 bells (or lights)—to move the boom to the right
- 5 bell (or lights)—to move the boom to the left

(c) Where the signalman has a clear and unobstructed view of the operations of a hoist, crane or derrick, and where the operator has a clear and unobstructed view of the signalman, a manual system of signaling may be used. Such manual system shall be universally understood by those engaged in the specific hoisting operations.

A copy of the signal code shall be posted in a conspicuous place adjacent to the hoisting controls. All wires, cords or other devices used in connection with signal systems shall be protected against unauthorized or unintentional use, breakage or interference.

7.19.2 Protection of Operator.

The operator of every engine shall be protected from injury by falling objects by an overhead protection equivalent to that provided by planking not less than two (2) inches thick, laid tight. Where the engineman's station is so located that the very location of his station eliminates the danger of any injury from falling objects, such overhead protection may be dispensed with.

The exhaust from every internal combustion engine or steam engine shall be piped to the outer air and shall discharge at a height not less than three (3) feet above the head of the operator. Steam and smoke shall not be discharged so as to interfere with the vision of the operator.

Internal combustion engines shall be stopped and all open flame light in the vicinity of the engines shall be extinguished before filling any fuel tanks.

7.19.3 Boilers.

Every boiler shall be constructed, installed, inspected and maintained in accordance with the provisions of the Administrative Building Code and the Rules of the Board.

7.19.4 Hoisting Engines.

Hoisting engines shall be set on a firm foundation securely anchored against movement in any direction. The engines shall be of sufficient power to lift the load intended. A sign or plate giving the maximum load which it can hoist shall be posted in a conspicuous place near every hoist engine.

Every hoist engine shall be equipped with brakes which will effectively hold and sustain in any position a load one hundred and fifty

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(150) per cent of the rated load. Dogs or pawls shall be provided to hold the load when it is suspended for any considerable length of time.

7.20 Power Excavators.

Every power shovel or excavator shall be carefully placed and located. Where the ground is soft or uneven, substantial timbering or planking shall be used to provide a firm foundation. The shovel shall be so located on the timbering and planking as to distribute the load uniformly.

The operator of every shovel shall be protected, by a cab or other suitable means, from injury by falling loads, cinders, steam or water. No person except the operating crew shall be permitted on a shovel while the shovel is in operation.

No person, other than the pitmen and excavating crew, shall be permitted to stand in back of the shovel or within range of the swing of the dipper while the shovel is in operation or being moved to a new location. Shovels when not in use shall be left with the dipper or bucket on the ground and all lubricating, greasing and repairing of equipment shall be performed with the machine at rest.

7.21 Pile Drivers.

Every pile driver shall be firmly supported on substantial timbers where deemed necessary. Frequent inspections shall be made of the ground on which the pile driver rests as well as of adjoining ground and any evidence of movement or displacement of the ground shall be immediately provided for. All pile driving equipment shall be inspected daily before the start of work and every defect shall be immediately corrected before beginning operations.

The operator of every pile driver shall be protected from falling objects, steam, cinders and water by a substantial covering. Each member of the pile driving crew shall be experienced in the work he is to do and the operation shall be in charge of a competent foreman or other authorized person, who, alone, shall direct the work and give the operating signals.

The preparation of the piles shall be done at a safe distance from the driving operation. During the hoisting of the piles, all persons not actually engaged in operating the equipment and handling the piles shall be kept from the area.

When a pile driver is not in use the hammer shall be chocked or blocked in the leads. The operator of every pile driver shall remain at his post when the work is stopped until the hammer has been chocked or blocked in the leads, or has been lowered and is resting on a driven pile or on the ground.

Where steam hammers are used, the steam hose shall be securely and positively connected to the hammer and such hose shall be lashed, or otherwise fastened, to the hammer independently of the connection. Steam lines shall be controlled by shut-off valves located within easy reach of the operator. Driving plates, cushions and striking-heads shall be securely and positively fastened to the top of the pile in such a manner as to prevent their dislodgment during driving operations.

A strong ladder shall be firmly secured to the leads of the pile driver. Such ladder shall extend from the bottom of the leads to the overhead sheaves.

Working platforms consisting of not less than two (2) inch planking, laid tight, shall be provided on all levels of the leads at which it is necessary for the men to work. Such platforms shall be provided with a guard rail or railing on all sides, except on the hammer or lead side of the platform. An opening not more than twenty-four (24) inches in width may be provided for access to the ladder.

7.22 Concrete Mixers

Concrete mixers provided with an elevated charg-

ing skip shall be operated by experienced men only. Each time before the skip is raised or lowered, the operator shall satisfy himself that no workman is within the danger area.

7.23 Rock Drills.

Rock drills of the self-supporting type shall be firmly erected. The air hose to every drill shall be securely and positively connected to the drill.

7.24 Explosives.

7.24.1 C19-28.0 Storage, Sales, Transportation, Use or Possession of Explosives, Generally.

(a) Permit—It shall be unlawful to transport, store, sell, deliver, use or have in possession any explosive without a permit. But no permit shall be granted to any person other than a citizen of the United States.

(b) Guncotton and Soluble Cotton—It shall be unlawful to transport, store or sell any guncotton or soluble cotton except in watertight metal vessels, containing no more than ten pounds, dry weight, and at least twenty per cent of water.

(c) Nitro-glycerine—It shall be unlawful for any person to transport, store, keep, sell, deliver, use or have in his possession any liquid nitro-glycerine, or to store, transport or use, between the first day of November and the 15th day of March, any explosive which will freeze or deteriorate at a temperature higher than ten degrees above zero Fahrenheit; provided, that permits may be issued for the transportation and sale of nitro-glycerine in the form of tablets, pills or granules, in quantities not exceeding ten thousand pieces, containing no more than one-fiftieth of a grain each. No explosives containing nitro-glycerine, and not intended for use within the city, shall be stored or kept therein or landed at or upon any dock, pier or bulkhead thereof, except as prescribed by the commissioner.

(d) Transportation or Delivery—It shall be unlawful to transport or deliver any explosive between sunset and sunrise, or in a completed tunnel or subway under land or waters, or in or upon any public conveyance nor shall any explosive be transported through, in or upon any street, except in the manner provided in section C19-31.0 of the Administrative Code.

(e) Supervision—It shall be unlawful to bring into the city, or transport, store, deliver or use any explosive therein unless same shall be continually under the care and supervision of one or more persons, each holding a certificate of fitness.

(f) Unapproved Kinds, Types or Brands—No permit shall be issued for the bringing into the city for the transportation, storage, sale or use therein, of any explosive which is not of a type, kind or brand that has been examined, tested and approved by the commissioner.

7.24.2 Blasting Operations.

7.24.2.1 No person other than one experienced in the use of explosives and duly authorized by the person in charge of the job shall fire shots. Blasting shall be done only by means of electric shot firing equipment.

7.24.2.2 At least three minutes before firing a blast, the blaster shall give warning thereof by directing competent workmen, hold-

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ing a red flag, to be stationed at a safe and reasonable distance from the blast at each avenue of approach or points of danger. All persons shall be required to retire a safe distance and to remain at such distance until directed to return by the blaster or person firing the shot.

7.24.2.3 Blasting charges shall be tamped only by means of wooden tamping rods and explosives shall be placed, or set into place, by steady even pressure only. Strokes or blows with the tamping rod are prohibited and no tamping rod which is frayed or split shall be used. Immediately after loading and tamping a hole and before firing the blast, the rock to be blasted shall be covered on all exposed sides with a strong woven matting composed of rope not less than one and one-half ($1\frac{1}{2}$) inches in diameter or of wire rope not less than one-half ($\frac{1}{2}$) inch in diameter, which woven matting shall be of such size and weight as to prevent any particles from being projected into the air by the blast. Such protection may be omitted, however, where a single drill hole is fired at one time and where the nearest road, street, sidewalk or other thoroughfare, or the nearest occupied building is more than one hundred (100) feet from the charge to be exploded.

7.24.2.4 Only men experienced in the use of explosives and duly authorized by the person in charge of the job, shall fire blasts.

7.24.2.5 No person shall be allowed to deepen holes which have previously contained explosives. After a blast is fired, no workman shall approach the side of the blast until a sufficient length of time has elapsed to permit falling material to drop and for the smoke, fumes and dust to be dissipated or blown away. Where a charge has failed to explode, no one shall approach the charge, except the person conducting the blasting. Explosives shall not be extracted from a hole which has once been charged; the tamping, only, may be withdrawn sufficiently to allow a mis-shot to be fired by the insertion of a fresh additional charge of primer. In case of a misfire the blasting leads shall be disconnected before any person is permitted to approach the charge.

7.24.2.6 When there is doubt that all shots have been fired, no one shall return to the working area within thirty minutes when electric delayed detonators are used, or within fifteen minutes when instantaneous electric detonators are used, and then only when so directed by the blaster.

7.25 Welding and Cutting.

7.25.1 Requirements—All welding and cutting shall be in accordance with the "Fusion Welding and Gas Cutting Rules of the Board."

7.25.2 Gas Cylinders—All welding and cutting shall be performed by operators who hold a certificate of qualification, issued in accordance with the "Fusion Welding Rules of the Board."

All cylinders used for the shipment of compressed gases or oxygen shall be constructed, maintained, and marked in accordance with the regulations of the Interstate Commerce Commission.

Cylinders shall be stored away from open flames, radiators and other sources of heat and so arranged or placed that they will not be knocked

over or damaged by passing or falling objects. Cylinders, unless other suitable provision has been made to prevent their upsetting during use, shall be securely lashed to a stationary object. During use every cylinder shall have the cylinder valve key or wrench left in place on the valve spindle. All cylinders shall be used and stored in an upright position.

Cylinders containing oxygen shall not be stored when not in use, near cylinders containing any gas or near highly combustible material or near oil or grease. Cylinders shall be carefully moved and then only after closing the cylinder valves. Regulators or reducing valves shall be tightly connected with a gas tight connection. Gas or oxygen cylinders shall not be used unless equipped with the proper regulator or automatic reducing valve. All valves shall be opened by hand.

Cylinders when empty shall have their valves closed and marked with a tag or sign indicating that the tank is empty.

7.25.3 Hose and Hose Connections.

All hose shall be first quality rubber hose having a sufficient number of plies of fabric to withstand the service for which it is employed. Oxygen hose shall have fittings of a different size or shall be of a color different from that of hose used for gas connections. Hose connections shall be of either the ferrule or clamp type and shall be capable of withstanding, without leakage, a pressure equal to twice the maximum delivery pressure of the pressure regulators provided on the system.

Hose shall be protected from damage by trucks and by moving objects and shall be so placed as not to constitute a falling or tripping hazard. All hose shall be carefully examined at frequent intervals for leaks, worn places and loose connections and any such defects shall be immediately repaired.

7.25.4 Torches.

Torches shall be lighted by means of friction lighters, pilot flames or similar sources of ignition and not by the use of matches.

When torches are changed or when the welding is stopped longer than 5 minutes, all cylinder valves shall be closed. Momentary stoppage may be controlled at the torch valves. Such torches shall be of approved types.

7.25.5 Protection for Workmen.

All persons engaged in welding or cutting operations shall be supplied with and shall wear eye protection equipment of an approved type provided with properly colored lenses fitted in suitable goggles. Such lenses and goggles shall protect the eyes of the worker not only from the heat and glare of the work but also from particles of hot metal which may fly during the operation.

Operators engaged in continuous operations for long periods of time shall be supplied with and shall wear fire resisting gauntlet gloves and aprons.

Adequate protection shall be provided to protect the welder from heavy winds and such enclosures so provided shall be arranged to permit adequate ventilation. No welding shall be carried on in any confined space unless adequately ventilated.

Metal structural members carrying any stress other than their own weight shall not be cut. Before the cutting of any large or heavy structural member, such member shall be secured or supported by ropes, cables, chains or other equi-

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valent means to prevent the dropping or swinging of the member.

7.25.6 Welding Fire Hazards.

Oily and greasy substances shall be kept from the cylinders, hoses and torches. Cylinder valves and connections shall not be lubricated.

Whenever a welding or cutting operation is performed in such a location that the possibility of flying particles of metal or sparks may shower a workman, there shall be provided a substantial and incombustible screen immediately below or around the welding operation.

Whenever welding operations are performed and there is in the vicinity any combustible material, there shall be provided, within easy reach of the operators, at least one approved fire extinguisher or fire pails filled with water.

7.26 Chutes for the Removal of Debris.

Wooden or metal chutes provided for the removal of brick or other loose material or debris and which are at an angle of more than forty-five (45) degrees with the horizontal, shall be entirely enclosed on all sides, except openings formed in the chutes at the floor levels and used for the receiving of material. Openings shall not exceed forty-eight (48) inches in height, measured along the wall of the chute, and all openings, except the top opening shall be closed when not in use.

Chutes at an angle of less than forty-five (45) degrees with the horizontal may be open on the upper side.

Every chute more than 24 inches in maximum inside dimension shall be constructed of not less than two (2) inch thick planking, or of not less than three-sixteenth (3/16) inch metal; shall have metal bottoms where the material strikes the chute, and shall be rigidly supported throughout its height. A strong gate shall be constructed at the lower end of every chute to control the loading of material into trucks and to close the chute at all other times. Splash-boards or baffles shall be erected to prevent materials from rebounding into the street or under the sidewalk shed.

A bumper or curb not less than 4" x 4" in section shall be provided at each chute opening where such opening is level with or below the floor or platform. Every space between the chute and the edge of the opening in the floor or platform shall be solidly planked.

Danger signs shall be placed in a conspicuous position at the discharge end of every chute to warn the workmen and public.

Prior to the erection or use of any chute, or alteration of a building approval of its structural supports shall be obtained. Such supports in the case of class 1 and class 2 buildings shall be of incombustible material.

7.27 Wheel-Barrows, Carts and Hand-Trucks.

Wheel-barrows, carts and hand-trucks shall be substantially constructed and braced to withstand the loads to be carried. The handles of all wheel-barrows, carts and hand-trucks shall be smooth. Cracked, split or otherwise damaged handles shall be immediately replaced.

Wheel-barrows, carts and hand-trucks shall not be stored or left unattended in a passageway or other place where they may constitute an obstruction or tripping hazard.

7.28 Trucks.

All parts and accessories of trucks shall be kept in good repair and safe condition, and material piled

on trucks for transportation shall be limited to that amount which can be safely transported without spilling or jarring the material loose. Material shall not project beyond the sides of the truck.

Loads which cannot be fully contained within the body of the truck shall be secured by means of chains, cables, ropes or other effective means.

APPENDIX

TABLE I
LIGHT INTENSITY

The following size Mazda type lamps at the corresponding distances from the surface to be illuminated will produce approximately a two (2) foot candle intensity on such surface.*

Mazda type lamps size	—Distance from lamp to surface (in feet)—		
	Bare lamp; no reflection from walls	Lamp in reflector; no reflection from walls	Lamp in reflect- ing fixture; white surfaces, white walls
60 watts	6'	8'	12'
100 watts	8'	10'	16'
150 watts	10'	12'	20'
200 watts	12'	14'	24'

*Because of various factors such as reflecting power of nearby walls and surfaces, type of fixture, age of lamp, etc., the values given here are approximate.

* * * * *

TABLE II
SIZE AND NUMBER OF NAILS

It may be assumed that a secure joint is a joint or connection in which the smaller member is nailed to a member of equal size or to a larger member by not less than the following number and sizes of nails, driven to their full length:

Thickness of Smaller Member (inches)	Trade Size of Nail	Length of Nail (inches)
1"	8d	2½"
2"	20d	4"
3"	60d	6"
4"	—	8"

Width of Smaller Member (inches)	Minimum Number of Nails Required
4"	2 nails
6"	3 "
8"	4 "
10"	5 "
12"	5 "

* * * * *

TABLE III
MAXIMUM SPAN FOR SCAFFOLD PLANK

Thickness of Plank (in inches)	Span of Plank (in feet)
1¼"	6'-0"
2"	10'-0"

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BULLETIN

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BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

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OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.

Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

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557-43-A—H.B.Q.—40-05 61st street, 40-06 62nd street and south side of Woodside avenue, from 61st to 62nd streets (Block 1337, Lot 27 and Block 1336, Lots 38, 41, 44 and 47), Woodside, Borough of Queens, Decision re Revocation of Permit re Alt. 958-43.

558-43-A—F.D.—177-183 Lewis street, west side, 102 ft. north of East 4th street (Block 360, Lot 19 and part of Lot 30), Borough of Manhattan, 19447-L.F. and 19448-L.F.

559-43-SM—American Smelting and Refining Company Hard Lead Closet Floor Flange, manufactured by American Smelting and Refining Company, Material.

560-43-A—H.B.M.—405 West 118th street, north side, 90 ft. west of Morningside drive (Block 1962, Lot 13), Borough of Manhattan, Alt. 1073-43.

551-43-A—F.D.—Re: Packaging of inflammable mixture known as "Lesco Cleaning Fluid" in 8 oz. glass containers (capacity of glass containers not in conformity with Administrative Code requirements), Decisions.

562-43-SA—Ferro-Nil Chemical Feeder, Appliance.

563-43-A—H.B.Q.—56-02 31st avenue, southeast corner of 56th street (Block 1134, Lot 1), Woodside, Borough of Queens, Alt. 1535-43.

564-43-S—H.B.Bx—2402 Ryer avenue, southeast corner of East 187th street (Block 3152, part of Lot 11), Borough of The Bronx, Amendment to Alt. 861-41.

565-43-A—H.B.M.—2-20 West 34th street, 350 5th avenue, southwest corner and 1-29 West 33rd street (basement and 1st floor); (Block 835, Lots 19 to 28 and 41 to 54), Borough of Manhattan, Misc. 225-43.

566-43-A—F.D.—Foot of 50th street, 280.83 ft. west of 1st avenue, 193.17 ft. north of 51st street (Bush Building 58); (Block 725, part of Lot 1), Borough of Brooklyn, Decision re 95713-L.C.

567-43-BZ—H.B.Q.—657 Fairview avenue, north side, 77 ft. 3½ in. east of Linden street (Block 3485, Lot 1), Ridgewood, Borough of Queens, Alt. 689-43.

568-43-A—F.D.—62-88 (also known as 82-90) Scott avenue, northeast corner of Meserole street (Building 31, 1st floor); (Block 2972-B, Lot 1), Borough of Brooklyn, 10688-L.F. and Decision.

569-43-BZ—H.B.B.—520-522 Lefferts avenue, south side, 254 ft. 6 in. west of Kingston avenue and 571 East New York avenue (Block 1332, Lot 27 and part of Lot 87), Borough of Brooklyn, B.N. 1528-43.

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795-40-BZ—H.B.B.—546-548 Ralph avenue, west side, 107 ft. 9½ in. north of St. Johns place (Block 1381, Lot 44), Borough of Brooklyn, B.N. 547-41.

207-31-BZ—H.B.Bx—1146-1148 Southern boulevard, east side, 225 ft. north of East 167th street (Block 2745, Lot 11), Borough of The Bronx, Alt. 382-43.

864-42-A—F.D.—753-759 7th avenue and 154-166 West 50th street, southeast corner (Block 1002, Lot 61), Borough of Manhattan, 13677-L.F. and Decision.

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

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Tank Trucks, Gasoline, etc.....	Nov.	24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)....	Apr.	10, 1923—Vol. 8, No. 15

Approved appliances and materials are printed in the Supplement to the Bulletin of June 8 1943, Vol. 28, No. 23A.

NOVEMBER 30, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, November 30, 1943, at 10 o'clock in Room 1013 Municipal Building, Manhattan, on the following matters:

Zoning Applications

1051-27-BZ—Application of Lama and Proskauer, applicants, on behalf of Rutland Parkway, Inc., owner (Sinclair Oil Refining Co., lessee), reopened December 1, 1942, under sections 7c and 21 of the zoning resolution, to permit in a business use district, the conversion of

CALENDAR

occupancy of an auto laundry (located upon an existing gasoline service station) to a motor vehicle repair shop and, also, the inclusion of parking and storage of more than five motor vehicles; premises 724-740 Ralph avenue and 81-101 East 98th street, northwest corner (Block 3530, Lot 1), Borough of Brooklyn.

347-43-BZ—Application, July 8, 1943, under section 21 of the zoning resolution, of J. Nelson Cooper, applicant, on behalf of Bertha Hagena, owner, to permit in a residence use and also a "D" area district, the erection of an extension to a commercial building; also the proposed extension does not comply with the area or rear yard requirements of the zoning resolution; premises 67-45 Alderton road, east side, 406.08 ft. north of Yellowstone boulevard (Block 3150, Lot 22), Forest Hills, Borough of Queens.

539-43-BZ—Application, November 9, 1943, under section 21 of the zoning resolution, of William C. Stohldreier and Robert G. Zetsche, applicants, on behalf of Carlton R. Valentine and Estate of August E. Eggert (Alma M. Lackas, Wilhelmina Schussler and Augusta E. Feuerstein, executrices), owners, (Angold Garage Corporation, lessee), to permit in a residence use district, the conversion of occupancy of an existing garage for more than five motor vehicles to a testing laboratory, storage use and, also, garage for more than five motor vehicles; premises 4748-4756 Bronx boulevard and 600 East 242nd street, southeast corner (Block 5103, Lots 37 to 42, inclusive), Borough of The Bronx.

Appeal from Administrative Decision

573-43-S—184-10 Jamaica avenue, south side, 411 ft. east of 183rd street (parts of 2nd and 3rd floors); (Block 10352, Lots 70 and 71), Hollis, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

NOVEMBER 30, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, November 30, 1943*, at 2 o'clock in Room 1013 Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions

455-43-A—36-27 to 36-39 36th street, south side, 243.31 ft. west of 36th avenue (Block 636, Lots 14, 15 and 19), Long Island City, Borough of Queens.

525-43-A—105-51 160th street (Washington street), east side, 20.37 ft. north of South street (Block 10118, Lot 68), Jamaica, Borough of Queens.

115-43-S—21-10 49th avenue, southeast corner of 21st street (1st floor); (Block 71, Lot 1), Long Island City, Borough of Queens (reopened September 14, 1943 re amendment of resolution).

446-43-A—2-22 Quincy street and 1-9 Downing street, southeast corner (Block 1972, part of Lot 2), Borough of Brooklyn.

770-42-A—Re packaging and distribution of inflammable mixtures known as "3-M Furniture Cleaner and Polish" and "Scotchlite Adhesive" in one-pint, one-quart, one-half-gallon and one-gallon glass containers (capacity of glass containers not in conformity with Administrative Code requirements); (reopened November 9, 1943).

542-43-A—143-169 Imlay street, southeast corner of Pioneer street (Block 529, Lots 1 and 8), Borough of Brooklyn.

543-43-A—48-01 to 50-21 Metropolitan avenue, northwest corner of Flushing avenue (Block 2318, Lot 25), Maspeth, Borough of Queens (under section 35, General City Law re bed of mapped street—51st street).

561-43-A—Re packaging of inflammable mixture known as "Lesco Cleaning Fluid" in 8 oz. glass containers (capacity of glass containers not in conformity with Administrative Code requirements).

541-43-A—133 Kingsborough 1st Walk, northeast corner of Bergen street and Rochester avenue (east side of Kingsborough 1st Walk, 220 ft. south of Bergen street); (Block 1344, Lot 1), Borough of Brooklyn.

526-43-A—371-373 Pleasant avenue, west side, 60 ft. south of East 120th street (Block 1807, Lot 24), Borough of Manhattan.

568-43-A—62-88 (also known as 82-90) Scott avenue, northeast corner of Meserole street (1st floor); (Building 31); (Block 2972-B, Lot 1), Borough of Brooklyn.

Materials for Approval.

492-40-SM—Fyrgard C N.Y.C. Three-Hour Metal-Clad Three-Ply Door (re reopening and amendment of resolution to permit fabrication in Two Sections).

243-43-SM—Bird Insulating Fibreboard.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 7, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 7, 1943*, at 10 o'clock in Room 1013 Municipal Building, Manhattan, on the following matters:

Zoning Applications.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

304-24-BZ—Application of Koch and Wagner, applicants, on behalf of E. J. K. Corporation, owner, reopening October 13, 1943, under section 7c of the zoning resolution, to permit partly in a residence use and partly in an unrestricted use district, the conversion of occupancy of an existing building from a public garage to a factory. (The garage was previously granted by the Board); premises 102-112 Montgomery street, south side, 91 ft. 6 in. east of Washington avenue (Block 1192, Lot 30), Borough of Brooklyn.

1167-40-BZ—Application, December 11, 1940, amended November 15, 1943, under sections 7c and 21 of the zoning resolution, of Richard W. Hogue, Jr., applicant, on behalf of Iris Miller, owner, to permit partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building from showroom and garage to bottling and storage of wines; premises 50-04 Queens boulevard, south side, 40 ft. east of 50th street and 45-15 50th street (Block 2283, Lot 22), Woodside, Borough of Queens.

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339-37-BZ—Application of Lawrence S. La Rosa, applicant, on behalf of Sarah Lyons, owner, reopened November 16, 1943, for consideration as to extension of permit—Application, previously granted on condition, under section 21 of the zoning resolution, permitting in a business use district, the conversion of occupancy of a building occupied as garage for five motor vehicles, stores, club rooms and offices, so as to use the garage portion as a garage for more than five motor vehicles and motor vehicle repair shop; premises 635-637 Morris Park avenue, west side, 35.9 ft. south of Unionport road (Block 4011, Lot 23), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 7, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, December 7, 1943, at 2 o'clock in Room 1013 Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

592-42-S—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

593-42-A—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

460-43-S—984-986 Grand street, south side, 200 ft. 0½ in. west of Morgan avenue and 357-359 Maujer street (Block 3019, Lot 33), Borough of Brooklyn.

516-43-A—57-46 Flushing avenue, 58-12 59th drive, 59-05 60th avenue and 59-83 59th street, east side, 214 ft. 10 in. south of 59th drive (Block 2649, Lots 113 and 135 and Block 2653, Lot 5), Maspeth, Borough of Queens (under section 35, General City Law re bed of mapped street—59th street).

Appliance for Approval

61-43-SA—Sargent and Greenleaf Fire Exit Panic Locks, Models 5300, 5300-C, 5300-X2545, 5400, 5400-X2545 and 5300-J, 5300-JC, 5300-JX2545J, 5400-J, 5400-JX2545J.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 14, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 14, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Zoning Applications

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

795-40-BZ—Application of John J. Gilmartin, applicant, on behalf of John Primavera, owner, reopened November 23, 1943, for consideration as to extension of term of permit—Application, previously granted on condition, under section 7h of the zoning resolution, permitting for a temporary term of two years, partly in a local retail use and partly in a residence use district, the parking

and storage of more than five motor vehicles; premises 546-548 Ralph avenue, west side, 107 ft. 9½ in. north of St. John's place (Block 1381, Lot 44), Borough of Brooklyn.

207-31-BZ—Application of Henry Nordheim, applicant, on behalf of Emily A. Steenken, owner, reopened November 23, 1943, under sections 7c, 7i and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of a building from gasoline service station, garage for five motor vehicles and brake service to non-storage garage for five motor vehicles, motor vehicle repair shop and used car sales; premises 1146-1148 Southern boulevard, east side, 225 ft. north of East 167th street (Block 2745, Lot 11), Borough of The Bronx.

297-34-BZ—Application of Lama and Proskauer, applicants, on behalf of Anne Cosden, owner, reopened January 6, 1942, under section 7f of the zoning resolution, to permit in a business use district, for a term of years, the erection and maintenance of a gasoline service station with the accessory uses of auto laundry, lubritorium and office (the use of the premises as a gasoline service station was previously denied under section 21 of the zoning resolution); premises 2705-2715 Nostrand avenue, east side, 360 ft. north of Avenue N (Block 7666, Lot 25), Borough of Brooklyn.

Appeal from Administrative Decision.

361-43-A—16 Central avenue, west side, 134.62 ft. south of Hyatt street (Block 6, Lot 75), St. George, Borough of Richmond.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 14, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, December 14, 1943 at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:*

Appeal from Administrative Decision

28-35-A—601-649 West 26th street, 600-652 West 27th street, 200-214 13th avenue and 245-259 11th avenue (Block 672, Lot 1), Borough of Manhattan (reopened November 9, 1943).

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 21, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 21, 1943 at 10 o'clock in Room 1013 Municipal Building, Manhattan, on the following matters:*

Zoning Application.

222-43-BZ—Application, May 11, 1943, under section 7b of the zoning resolution, of Arthur Weiser, applicant, on behalf of Bijou Realty Corporation, owner, to permit ~~partly~~ in a residence use and partly in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises west side of Riverdale avenue, 157.01 ft. north of West 232nd street (Block 3409E, Lot 374), Borough of The Bronx.

Appeal from Administrative Decision

399-43-A—2531-2539 Broadway, west side, from West 94th street to West 95th street and 250-254 West 95th street (Block 1242, Lots 55 and 10), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

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BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, NOVEMBER 23, 1943

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy.

The minutes of the regular meetings of the Board held on Tuesday morning, November 16, 1943, and Tuesday afternoon, November 16, 1943, were approved as printed in Bulletin No. 47, Volume 28.

ZONING CASES

207-31-BZ

APPLICANT—Henry Nordheim, for Emily A. Steenken, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution re proposed change of use (decision of the acting borough superintendent) under sections 7e, 7i and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of a building from gasoline service station, garage for five motor vehicles and brake service to non-storage garage for five motor vehicles, motor vehicle repair shop and used car sales.

PREMISES AFFECTED—1146-1148 Southern boulevard, east side, 225 ft. north of East 167th street (Block 2745, Lot 11), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry Nordheim.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4
Negative 0

795-40-BZ

APPLICANT—John J. Gilmartin, for John Primavera, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting partly in a local retail use and partly in a residence use district, for a temporary term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—546-548 Ralph avenue, west side, 107 ft. 9½ in. north of St. John's place (Block 1381, Lot 44), Borough of Brooklyn.

APPEARANCES—

For Applicant: John J. Gilmartin.

For Administration: Fred Dahlem, Dept of Housing and Buildings.

ACTION OF BOARD—Application reopened and set for hearing on December 14, 1943 at 10 A. M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4
Negative 0

1333-22-BZ

APPLICANT—Robert J. Farrington, for Besemer Realty Corporation, owner.

SUBJECT—Application reopened October 26, 1943 for consideration as to rehearing as to new use—motor vehicle repair shop in rear portion of building—Application, previously granted on condition, under section 7c of the zoning resolution, permitting partly in a business use and extending into a residence use district, the erection and maintenance of a business building.

PREMISES AFFECTED—662 East Fordham road, south side, 50.96 ft. west of Cambreling avenue (Block 3091, Lot 22), Borough of The Bronx.

APPEARANCES—

For Applicant: Robert J. Farrington and Allan B. Bates.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (1333-22-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting partly in a business use district and partly in a residence use district, the erection and maintenance of a business building, affecting premises 662 East Fordham road, south side, 50.96 ft. west of Cambreleng avenue (Block 3091, Lot 22), Borough of The Bronx, was granted by the Board on January 26, 1923, on certain conditions and the applicant requested an amendment of the resolution to permit a portion of the premises to be used as a motor vehicle repair shop; and

WHEREAS, this application was reopened by vote of the Board on October 26, 1943 and set for hearing on November 16, 1943; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting held November 23, 1943, after due notice by publication in the Bulletin of the Board; and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of January 26, 1923, so that as amended, it shall read:

"Resolved, that the Board of Appeals does hereby make a variation in the application of the use district regulations of the building zone resolution, and the application be and it hereby is granted on condition that the gable walls within the residence district be unpierced throughout their entire height and length; that a rear yard of not less than six feet in depth be maintained; that there be no more than three windows on rear wall, equipped with fixed, fireproof sash, glazed with translucent glass with one ventilator; that the front elevation be finished with front brick and architectural terra cotta or stone trimmings.

"Resolved further that the building now occupied as a sales car agency to be also occupied in connection therewith for motor vehicle repairing for a term of two years under section 7i, on condition that such motor vehicle repairing shall be done with hand tools only except that there may be a drill or grinder, provided such machines are driven with a motor not exceeding ½ h.p.; that such repairing shall be mainly in connection with motor vehicles owned or traded in by the agency; that no anvil or forge shall be on the premises and no heavy work such as body and fender work shall be done; that no signs shall be erected on the exterior of the building advertising the motor vehicle repair use; that in all other respects, the building shall comply with all laws, rules and regulations applicable thereto

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other than as modified under this calendar number; that all permits shall be obtained and all work completed within one (1) year from the date of this *amended* resolution; that a new Certificate of Occupancy shall be obtained."

494-43-BZ

APPLICANT—Humphrey Nolan, for Emigrant Industrial Savings Bank, owner.

SUBJECT—Application (decision of borough superintendent) under sections 7a and 21 of the zoning resolution, to permit in a residence use district, the conversion of occupancy of a building occupied as laundry and storage to a factory.

PREMISES AFFECTED—518-524 East 80th street, south side, 298 ft. east of York avenue (Block 1576, Lots 37 and 39), Borough of Manhattan.

APPEARANCES—

For Applicant: Humphrey Nolan, J. Bart Walther and Victor Bettini.

For Opposition: Stanley M. Rabadan, Michael Pasztor, Teresa Kopp, D. Engel and Ruth Ranson.

For Administration: Fred Dahlem Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioner Blum and Deputy Chief Murphy 3

Negative 0

Vote Reserved: Commissioner Savage 1

THE RESOLUTION (494-43-BZ)

WHEREAS, Humphrey Nolan, for Emigrant Industrial Savings Bank, owner, filed October 20, 1943, an application under sections 7a and 21 of the zoning resolution, to permit in a residence use district, the conversion of occupancy of a building occupied as laundry and storage, to a factory; premises 522-524 and 518-520 East 80th street, south side, 298 ft. east of York avenue (Block 1576, Lots 37 and 39), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting November 23, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that East 80th street is in a residence use district, East 79th street is in a residence and business use district and York avenue is in a residence and business use district; and

WHEREAS, the decision of the borough superintendent dated September 23, 1943 on Alt. Applic. 838-43 reads:

"1. The change of occupancy from one use prohibited in a residence district to another use prohibited in a residence district is not permitted by section 6 of the zoning resolution and may not be approved under section 3 of the zoning resolution."

and

WHEREAS, the applicant states that building is of non-fireproof construction, two stories in height with a frontage of 100 ft. and a depth of 102 ft. maximum and that it is proposed to convert the occupancy of the existing building from laundry storage to a factory; and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that this was a proper case in which to exercise discretion to grant under section 7, sub-division c, of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution, and that the application be and it hereby is *granted* under section 7c thereof, to permit the premises now holding a Certificate of Occupancy for a laundry, to be occupied for business purposes as permitted in a business use district, *on condition* that

any factory use installed in the building, shall be of an unobjectionable type; that the specific type of occupancy shall be submitted to the Board for approval before any such factory occupancy is permitted; that the building shall not be increased in height or area; that the building shall comply with all other laws, rules and regulations applicable thereto other than as modified by the Board under Cal. 495-43-S; that this variance shall continue for a term of five (5) years from the date of this resolution; that all permits shall be obtained and all work completed within six (6) months from the date of this resolution.

1072-23-BZ

APPLICANT—Viola M. Smith, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7g of the zoning resolution for a temporary period, permitting in a residence use district, the maintenance of a garage for the storage of more than five motor vehicles, four spaces rented to persons not residing on the premises.

PREMISES AFFECTED—41 Richmond street, east side, 322 ft. south of Jamaica avenue (Block 4103, Lot 8), Borough of Brooklyn.

APPEARANCES—

For Applicant: Viola M. Smith.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (1072-23-BZ)

WHEREAS, this application, affecting premises, 41 Richmond street, east side, 322 ft. south of Jamaica avenue (Block 4103, Lot 8), Borough of Brooklyn, was granted by the Board at its meeting November 20, 1923, for a temporary period, amended November 9, 1937, and permit has been extended from time to time, and last extended November 18, 1941, and the owner has now requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of November 20, 1923, as amended through November 18, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"*Granted* under section 7h for a temporary term of two (2) years from the date of this *amended* resolution."

331-32-BZ

APPLICANT—Falk and Orleans, for Elijane Holding Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7f of the zoning resolution, permitting in a business use district, for a term of years, the maintenance of a gasoline service station.

PREMISES AFFECTED—Southeast corner of Boston road and Astor avenue (Block 4343, Lot 30), Borough of The Bronx.

APPEARANCES—

For Applicant: Samuel Falk.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

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THE RESOLUTION (331-32-BZ)

WHEREAS, this application under section 7f of the zoning resolution, permitting in a business use district for a term of years, the maintenance of a gasoline service station, affecting premises southeast corner of Boston road and Astor avenue (Block 4343, Lot 30), Borough of The Bronx, was granted by the Board on September 23, 1932, on certain conditions and permit extended from time to time, the last extension having been granted on November 18, 1941; and

WHEREAS, the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of September 23, 1932, as amended through November 18, 1941, so that as amended the resolution shall read:

"Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted*, under section 7, subdivision F thereof, for a period of two years from the date of this *amended resolution*, on condition that all gasoline pumps shall be set back not less than 10 ft. from the street building lines of Astor avenue and Boston road; that there shall be but two entrances to the station, both from Boston road; that opposite these entrances the curb cuts shall be erected, not exceeding 25 ft. wide each; that there shall be no entrance or exits on Astor avenue; that all uses accessory to the conduct of the gasoline station business shall be housed in a one-story structure; that advertising signs shall be confined to the illuminated globes of the gasoline pumps; that there shall be erected on the interior lot lines an enclosing fence of wood or heavy woven wire not less than 5 ft. high; that no parking shall be permitted on the premises; that no automobile repairing shall be done on the premises; that no portable gasoline pumps shall be used on or from the property; that all permits shall be obtained within three months and all work completed within six months from the date of this *amended resolution*."

90-42-BZ

APPLICANT—Frances Glicker, for Henry Winters, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the acting borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—1253-1263 Boscobel avenue, west side, 345.85 ft. north of Jerome avenue (Block 2506, Lots 46 and 48), Borough of The Bronx.

APPEARANCES—

For Applicant: Frances Glicker and Henry Nordheim.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (90-42-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 1253-1263 Boscobel avenue, west side, 345.85 ft. north of Jerome avenue (Block 2506, Lots 46 and 48), Borough of The Bronx, was granted by the Board on May 19, 1942, on certain conditions and the

applicant requested an extension of time to complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of May 19, 1942, only in so far as it has reference to the completion of the work, so that as amended, this portion of the resolution shall read:

"that in view of the statement by the tenant and also in view of a letter from the borough superintendent stating that the work has been partially completed, all work shall be completed within three (3) months from the date of this amended resolution."

86-43-BZ

APPLICANT—Lama and Proskauer, for Genevieve Marchione, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—575-587 East New York avenue, north side, 134 ft. 6 in. west of Kingston avenue (Block 1332, Lots 51 and 54), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (86-43-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 575-587 East New York avenue, north side, 134 ft. 6 in. west of Kingston avenue (Block 1332, Lots 51 and 54), Borough of Brooklyn, was granted by the Board on July 27, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 27, 1943, so that the portion of the resolution relating to fences on the street line and the interior lot lines, shall read:

"that there shall be erected on the interior lot lines where walls of existing or adjoining buildings do not occur, a tight-board fence constructed of new material and kept painted or a masonry wall constructed of approved masonry with a suitable foundation; that such fence or wall shall be not less than six (6) feet in height; that along the street building line where walls of adjoining buildings do not occur, there shall be constructed a similar wood fence or a fence of the woven wire type with steel posts, except for one opening for entrance and exit not over 10 feet in width with a curb cut opposite not over 10 ft. in width."

APPEALS FROM ADMINISTRATIVE DECISIONS

399-43-A

APPLICANT—Howard H. Snyder, for Broad-West Realty Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

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PREMISES AFFECTED—2531-2539 Broadway, west side, from West 94th to West 95th street and 250-254 West 95th street (Block 1242, Lots 55 and 10), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Opposition: Howard H. Snyder and William H. J. Bodine.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to December 21, 1943 at 10 A.M., for further consideration by the Board.

495-43-S

APPLICANT—Humphrey Nolan, for Emigrant Industrial Savings Bank, owner.

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—522-524 and 518-520 East 80th street, south side, 298 ft. east of York avenue (Block 1576, Lots 37 and 39), Borough of Manhattan.

APPEARANCES—

For Applicant: Humphrey Nolan, J. Bart Walther and Victor Bettini.

For Opposition: Stanley M. Rabadan, Michael Pasztor, Teresa Kopp, D. Engel and Ruth Ranson.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioner Blum and Deputy Chief Murphy..... 3

Negative 0

Vote Reserved: Commissioner Savage..... 1

THE RESOLUTION (495-43-S)

WHEREAS, Humphrey Nolan, for Emigrant Industrial Savings Bank, owner, filed October 20, 1943, an application for variation of the requirements of the Labor Law as cited in a decision of the borough superintendent, affecting premises 522-524 and 518-520 East 80th street, south side, 298 ft. east of York avenue (Block 1567, Lots 37 and 39), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent dated September 23, 1943 on Alt. Applic. 838-43, reads:

"2g. Both stairs to terminate at roof, Sec. 270.

h. As stairs in old building may be used for egress from a new building (erected after 1913) same should be constructed as required by Sec. 270 of the Labor Law."

and

WHEREAS, the applicant states the building is two stories, (28 ft.) in height; 100 ft. by 97 ft. and 102 ft. 2 in. in area; of Class 1 and Class 3 construction; erected 1909 and 1925; located in a residence use, B area district and occupied as a laundry and storage throughout; that it is proposed to be occupied: cellar, factory, 2 persons; 1st floor, factory, 111 persons; 2nd floor, factory, 111 persons; that the building is equipped with a one source sprinkler system and two interior stairs; that the westerly half of the building is equipped with a 3 ft. 8 in. wide fireproof stairs leading from roof directly to the street; that the easterly half of the building is equipped with a three ft. 8 in. wide wood stairway enclosed with one hour partitions equipped with fireproof self-closing doors and extending from second story to roof; and

WHEREAS, the applicant contends that the building will be made to comply with the Labor Law with the exception of stairway B shown on plans filed with this appeal, which stairway will be repaired and enclosed as indicated on plans filed with the borough superintendent; and

WHEREAS, the premises were inspected by a committee of the Board.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the borough superintendent acting on Alt. Applic. 838-43, Objection 2g, and that the appeal be and it hereby is *granted on condition* that the stairway in the easterly building shall be enclosed with a one hour fire-retarding partition as proposed; that such enclosure shall be in compliance with the Labor Law and all other laws and in all other respects; that such stairway shall be carried to the roof; that in all other respects, the building and occupancy shall comply with all other laws, rules and regulations applicable thereto other than as modified under Cal. No. 494-43-BZ.

Adjourned: 11:30 A. M.

JOSEPH J. DOYLE, Chief Clerk.

REGULAR MEETING,

TUESDAY AFTERNOON, NOVEMBER 23, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy.

APPEALS FROM ADMINISTRATIVE DECISIONS

28-35-A

APPLICANT—Neo Gravure Printing Co., Inc. (lessee), for Pioneer Real Estate Company, owner.

SUBJECT—Application reopened November 9, 1943—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—601-649 West 26th street, 600-652 West 27th street, 200-214 13th avenue and 245-259 11th avenue (Block 672, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: Harley C. Alger and John J. Gilmartin.

ACTION OF BOARD—Laid over to December 14, 1943 at 2 P. M., for further consideration by the Board.

770-42-A

APPLICANT—Harold Wyman, for Minnesota Mining & Manufacturing Co., owner.

SUBJECT—Application reopened November 9, 1943—Appeal from a decision of the fire commissioner re packaging and distribution of inflammable mixtures known as "3-M Furniture Cleaner and Polish" and "Scotchlite Adhesive" in one-pint, one-quart, one-half-gallon and one-gallon glass containers (capacity of glass containers not in conformity with Administrative Code requirements).

APPEARANCES—

For Applicant: Harold Wyman.

ACTION OF BOARD—Laid over to November 30, 1943 at 2 P. M. for further consideration by the Board.

115-43-S

APPLICANT—Ansley Radio Corporation (lessee), for Schulte Real Estate Co., Inc., owner.

SUBJECT—Application reopened September 14, 1943 re amendment of resolution—Variation of the Labor Law as cited in decisions of the borough superintendent.

PREMISES AFFECTED—21-10 49th avenue, southeast corner of 21st street (1st floor); (Block 71, Lot 1), Long Island City, Borough of Queens.

MINUTES

APPEARANCES—

For Applicant: Charles Planick.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 30, 1943 at 2 P. M. for further consideration by the Board.

446-43-A

APPLICANT—Randolph H. Almiroty, for The Salvation Army, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—2-22 Quincy street and 1-2 Downing street, southeast corner (Block 1972, part of Lot 2), Borough of Brooklyn.

APPEARANCES—

For Applicant: Randolph H. Almiroty.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Laid over to November 30, 1943 at 2 P. M. for further consideration by the Board.

460-43-S

APPLICANT—Richard Shutkind, for George Leisenheimer, owner.

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—984-986 Grand street and 357-359 Maujer street, south side, 200 ft. $\frac{1}{8}$ in. west of Morgan avenue (Block 3019, Lot 33), Borough of Brooklyn.

APPEARANCES—

For Applicant: Richard Shutkind.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to December 7, 1943 at 2 P. M. for further consideration by the Board.

516-43-A

APPLICANT—Saul Goldsmith, for Welbilt Stove Co., Inc., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—57-46 Flushing avenue, 59-05 60th avenue, 58-12 59th drive and 59-83 59th street, east side, 214 ft. 10 in. south of 59th drive (Block 2649, Lots 113 and 135 and Block 2653, Lot 5), Maspeth, Borough of Queens (Under section 35, General City Law re bed of mapped street—59th street).

APPEARANCES—

For Applicant: Saul Goldsmith and Norman Geiger

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to December 7, 1943 at 2 P. M. for further consideration by the Board.

542-43-A

APPLICANT—Lama and Proskauer, for Anna Berg, owner (Atlantic Casting and Manufacturing Co., lessee).

SUBJECT—Appeal from an order and a decision of the borough superintendent.

PREMISES AFFECTED—143-169 Imlay street, southeast corner of Pioneer street (Block 529, Lots 1 and 8), Borough of Brooklyn.

APPEARANCES—

For Applicant: Harry A. Yarish.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to November 30, 1943 at 2 P. M. at request of applicant.

627-42-A

APPLICANT—Harry A. Yarish, for Rita Caruso, owner.

SUBJECT—Application for consideration—reopening—re Appeal from a decision of the borough superintendent; previously denied.

PREMISES AFFECTED—216 Linwood street, west side, 100 ft. south of Arlington avenue (Block 3941, Lot 14), Borough of Brooklyn.

APPEARANCES—

For Applicant: Harry A. Yarish.

ACTION OF BOARD—Request to reopen, denied.

THE VOTE TO REOPEN—

Affirmative 0

Negative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4

864-42-A

APPLICANT—T. W. Lamb Associates, Inc., for Seventh and Fiftieth Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and restoration to calendar—re Appeal from an order and a decision of the fire commissioner; previously withdrawn after argument.

PREMISES AFFECTED—753-759 7th avenue and 154-166 West 50th street, southeast corner (Block 1002, Lot 61), Borough of Manhattan.

APPEARANCES—

For Applicant: R. L. Hoidge and G. Wandelmaier.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal reopened and restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4
Negative 0

317-43-A

APPLICANT—Fritz Nathan, for Drew University, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—314 West 91st street, south side, 150 ft. east of Riverside drive (Block 1251, Lot 32), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4
Negative 0

122-43-S

APPLICANT—Austen Laboratories, Inc. (lessee), for Fast 39th Co., Inc., owner.

SUBJECT—Application reopened and restored to calendar, November 9, 1943—Variation of the labor law as cited in a decision of the fire commissioner (previously dismissed for lack of prosecution).

PREMISES AFFECTED—234-240 East 39th street, south side, 150 ft. west of Second avenue (2nd floor); (Block 919, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: Fred L. Roberts.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4
Negative 0

MINUTES

THE RESOLUTION (122-43-S)

WHEREAS, Austenal Laboratories, Inc., lessee, for East 39th Street Company, Inc., owner, filed March 17, 1943 an application for variation of the requirements of the Labor Law as cited in a decision of the fire commissioner, affecting premises: 234-240 East 39th street, south side, 150 ft. west of Second avenue (2nd floor); (Block 919, Lot 16), Borough of Manhattan; and

WHEREAS, this application was dismissed for lack of prosecution on July 27, 1943 and the applicant requested a reopening of the case and restoration to the calendar; and

WHEREAS, this case was reopened by vote of the Board on November 9, 1943 and set for hearing on November 23, 1943; and

WHEREAS, the decision of the fire commissioner dated February 15, 1943, reads:

"In reply to your request for a permit to smoke in a portion of the above factory building, you are advised that it is not the practice of this Department to issue a permit to smoke in any part of a factory building and your request must be denied."

and

WHEREAS, the applicant states that the building is 4 stories (55 ft.) in height, 110 ft. by 70 ft. in area, of Class 3 construction, erected prior to 1913, located in a business and unrestricted use district and used as follows: 1st floor—metal casting and investing—70 persons; 2nd floor—inspection and lunch room—17 persons; 3rd and 4th floors—manufacturing wax models for small metal parts—71 persons; that the building is equipped with a sprinkler system, three interior fireproof 46 in. wide stairs extending from roof to street; and

WHEREAS, the applicant requests permission for employees to smoke in the cafeteria portion of the second floor, as outlined in red on plans filed with this application marked "Received August 4, 1943"; and

WHEREAS, the applicant has filed a communication from the U. S. Army Air Force representative, stating that it will be agreeable for employees to smoke in the cafeteria portion during the lunch hour or designated rest periods and on condition that smoking will be constantly supervised and controlled by at least one member of the guard force and that at the close of smoking periods, the guard assigned will thoroughly police the smoking area in order to eliminate any potential hazards; and

WHEREAS, the applicant contends that there is no production going on, on the entire second floor; that at all times the area is supervised by a guard and a matron; that the plant is almost completely on defense work and it is the desire of the management to allow the employees to smoke, in order to maintain production schedules and to retain the manpower under pleasant conditions.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law and the Rules of the Board as to smoking in factories as cited in a decision of the fire commissioner, dated February 5, 1943, and that the application be and it hereby is *granted on condition* that no smoking shall be permitted on the premises, except within the space marked "Cafeteria" as indicated and described on this application; that receptacles shall be provided; that during the time that smoking is permitted, guards or persons delegated as watchmen shall be available; that such portable fire fighting appliances shall be maintained as the fire commissioner shall direct; that this variance shall continue only during the term of the present emergency; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

364-43-A

APPLICANT—Julius Bleich, for Congregation of House of Levi, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx.

APPEARANCES—

For Applicant: Julius Bleich.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (364-43-A)

WHEREAS, Julius Bleich, for Congregation House of Levi, owner, filed June 15, 1943, an appeal from a decision of the acting borough superintendent, affecting premises 1820 Prospect avenue, east side, 161.74 ft. north of East 175th street (Block 2953, Lot 8), Borough of The Bronx; and

WHEREAS, the decision of the acting borough superintendent dated June 24, 1943, on amendment to Alt. Applic. 72-43, reads:

"3: Frame building may not be used as a synagogue.

Reconsideration denied. State No. of people to agree.

Correct specification as to cellar and live load."

and

WHEREAS, applicant states the building is two stories and attic (32 ft.) in height; 25 ft. 6 in. by 50 ft. in area at 1st floor; 25 ft. 6 in. by 36 ft. in area at typical floor; Class 3 and 4 construction; located in a residence use district and used as a one-family dwelling and proposed to be used: basement, boiler room; 1st floor, synagogue; 70 persons; 2nd floor, dwelling for Rabbi; and

WHEREAS, Violation 330-43 was issued February 5, 1943, for changing occupancy of first floor from dwelling to synagogue contrary to Certificate of Occupancy 247; and

WHEREAS, Certificate of Occupancy 247 issued December 19, 1924, permits the use of the building as a 2-story and attic brick and frame one-family dwelling and private garage for one car, 40 lbs. liveload on all floors; and

WHEREAS, applicant contends that the front of the building for a distance of 14 ft. in depth is one story brick, the remaining portion is of frame construction, stuccoed at front and on porch side; that the level of the synagogue floor at street is 7 ft. 6 in. and at rear, 3 ft. 6 in. above yard level; that a new door opening will be provided at rear of building at synagogue floor leading to yard, where egress can be had to side porch, which is open unobstructed to street and yard.

Resolved, that the decision of the acting borough superintendent as to Alt. Applic. 72-43, Objection 3, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall be used primarily as a private residence for one family; that the premises may also be occupied professionally on the first floor for marriage ceremonies and similar functions, but not as a business use, *on condition* that at no time shall there be more than twenty (20) persons within the building; that the second means of exit as proposed, shall be maintained; that the space in the cellar now occupied as a garage, shall be continued to be so occupied and made to comply with the requirements therefor as for a private dwelling and separated from the balance of the house by fireproof material; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct, which shall include two sprinkler heads within the kitchen, fed from the domestic water supply; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

424-43-A

APPLICANT—R. P. Hughes, for Joyce Bushel, Receiver for Nevada Apartment Corporation, owner.

SUBJECT—Appeal from an order and decisions of the fire commissioner.

MINUTES

PREMISES AFFECTED—2021-2035 Broadway, west side and 201-215 Amsterdam avenue, east side, from West 69th to West 70th streets (Block 1141, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: R. P. Hughes.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (424-43-A)

WHEREAS, R. P. Hughes, for Joyce Bushel, Receiver for Nevada Apartment Corporation, owner, filed August 23, 1943, an appeal from an order and decisions of the fire commissioner, affecting premises 2021-2035 Broadway, west side, between 69th and 70th streets and 201-215 Amsterdam avenue (Block 1141, Lot 1), Borough of Manhattan; and

WHEREAS, Order 15294-LF, issued by the Fire Commissioner July 11, 1942, reads:

"Arrange the existing standpipe system to conform with Chapter 26, Article 17, Adm. Code, and comply with the following defects:

1. Have person in charge of standpipe secure a Certificate of Fitness.
2. Repair roof of standpipe gravity tank.
3. Provide 2,500 reserve in gravity tank for standpipe.
4. Expose the control valve and check valves of standpipe system under tank.
5. Seal open control valves with lock and chain under tank.
6. Clean up all check valves.
7. Flow and pressure test on standpipe.
8. Provide 2½" valves at all outlets in place of 2"
9. Provide 100' of 1½ or 2½" hose at each outlet (2-50' lengths).
10. Remove all house water supply lines from standpipe system.
11. Provide an approved siamese connection, Broadway and on Amsterdam avenue sides of building.
12. Provide a ¾" automatic ball drip between each siamese and lower check.
13. Provide an approved check on standpipe line in cellar.
14. Securely fasten the standpipe lines in cellar.
15. Lower outlet valves in cellar to 6' 6" above floor.
16. Remove 1½" valve from standpipe riser, north hall, 7th floor, and cap opening."

and

WHEREAS, the said order was referred to in decisions of the Fire Commissioner dated February 11, 1943 and March 1, 1943; and

WHEREAS, the decision of the fire commissioner dated July 22, 1943, reads as follows:

"In reply to your request to rescind Order 15294-LF, containing 16 defects against the standpipe system in the above premises, you are advised as follows:

The building is at least 91 feet 6 inches in height on the Broadway front, and in excess of 10,000 square feet in area. Your request under Chapter 26 of the Administrative Code must therefore be denied."

and

WHEREAS, the applicant states the building is 7 stories and penthouse (80 ft.) in height to main roof, 90 ft. 10 in. to penthouse roof, 225.8 ft. by 138 ft. and 35.8 ft. in area; of Class 3 construction; erected 1890; located in a business use, B area district; used as follows: cellar, showroom and

storage; 1st floor, stores; 2nd floor, one apartment and offices; 3rd to 6th floors, inclusive, 7 apartments per floor; 7th floor, 13 apartments; penthouse, 17 rooms; and

WHEREAS, a summons was served returnable in the Municipal Term, City Magistrate's Court for failure to comply with the Fire Commissioner's order, and applicant states that the hearing in said court has been adjourned to permit the prosecution of this appeal; and

WHEREAS, the applicant contends that Alt. Applic. 997-42 was filed to cover the building to single room occupancy complying with the Pack Law, including the removal of the violations referred to in the Fire Commissioner's order herein appealed; that these plans were approved September 2, 1942; that an application was made to the War Production Board, for permission to perform the work; that permission to proceed with the work was denied and an application was subsequently made for permission to do the work necessary to remove the violations; such permission was also denied; that under New Building application 871-90, the height of the building was recorded as 80 ft. from curb to high point of roof; that in 1901 a penthouse was added under Alt. Applic. 2815, which described the building as a hotel and penthouse as servant's quarters; that under Alt. Applic. 1009-32, the 7th floor was subdivided into small apartments and the second floor changed from apartments to offices with the exception of one apartment and the first floor store space was extended; that although the first floor is in excess of 10,000 sq. ft. it is divided by masonry walls into smaller areas with openings in such walls protected with fireproof self-closing doors; that above the first floor, the building is divided into two apartments having areas of 6,291 sq. ft. and 8,751 sq. ft., respectively, which areas are divided by masonry walls into smaller areas; that the penthouse consists of seventeen rooms arranged in such a way that they can be rented as apartments; that at present, only two apartments are occupied; the penthouse is divided into two areas of 1,439 sq. ft. and 2,772 sq. ft., respectively; that the penthouse area over the northerly portion of the building is approximately 24% of the area of the roof and over the southerly portion, approximately 30% of area of roof; that the building is accessible to the Fire Department on all four sides; that each apartment has direct access to the fireproof stairway; that the public halls are fireproof; that in view of the fact the height of the building to the penthouse is approximately only 5 ft. 10 in. above the 85 ft. limitation in height requiring a standpipe and in view of the refusal of the War Production Board to permit the purchase of the material necessary to comply with the Fire Commissioner's order, it is requested that the Board grant permission to operate the building in its present condition for the duration of the war.

Resolved, that the order of the fire commissioner, acting on Order 15294-LF, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the standpipe system shall be made to comply with the requirements of the present Administrative Code therefor, as soon as material is available and that meantime all items on the Order shall be complied with except Items 3, 7, 8, 9, 10, 11, 12, 13, 15 and 16, except as to Item 9, hose and hose nozzles shall be supplied, provided such hose nozzles can be obtained where hose nozzles are now missing; that all the work required by the order of the fire commissioner shall be begun as soon as the materials are released by the War Production Board and completed with reasonable promptness.

453-43-A

APPLICANT—John G. Scheiner, owner.

SUBJECT—Appeal from decision of borough superintendent.

PREMISES AFFECTED—91-25 87th street, east side, 235 ft. south of 91st avenue (Block 8981, Lot 49), Woodhaven, Borough of Queens.

MINUTES

APPEARANCES—

For Applicant—Louis Seligman, Patrick Henry O'Connor, John G. Scheiner, John W. Arent and Francesco Sanatori.

For Opposition: Lena Scheuing.

For Administration: Fred Dahlem and Henry Pheney, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0
Negative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4

THE RESOLUTION (453-43-A)

WHEREAS, John G. Scheiner, owner, filed September 22, 1943 an appeal from a decision of the borough superintendent affecting premises 91-25 87th street, east side, 235 ft. south of 91st avenue (Block 8981, Lot 49), Woodhaven, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated September 7, 1943 on Alt. Applic. 1151-43 reads:

"1. Records of Housing Division show above building not listed as a class A Multiple Dwelling as filed.

2. As above building is of frame construction, same cannot be altered into a class A Multiple Dwelling. Sec. 56 M.D. L."

and

WHEREAS, the applicant states that the building is 2 stories and attic (28 ft.) in height, 25 ft. by 49 ft. in area, of class 4 construction, erected in 1907, located in a residence use, D area district and occupied: cellar, storage and boiler room; 1st floor, dwelling, 1 family; 2nd floor, dwelling, 1 family; attic, dwelling, 1 family; and

WHEREAS, there is also located on the plot, a two car frame garage and a frame shed; and

WHEREAS, Certificate of Occupancy 3915 was issued October 13, 1937 on Alt. Applic. 7296-37, described the building as of frame construction with an occupancy classification as a tenement, two stories in height, and permitted the use of the building as follows: 1st floor, dwelling; 2nd floor, dwelling; and

WHEREAS, Violation issued May 13, 1942 by the Division of Housing, states that the building was converted to a three family class A multiple dwelling in violation of sections 8, 56, 170, 300 and 301 of the Multiple Dwelling Law; and

WHEREAS, the prosecution for violation of the Multiple Dwelling Law is now pending in the Magistrates Court; and

WHEREAS, the applicant contends that the building has been used prior to April 1929 and prior to and at the time of the enactment of section 56 of the Multiple Dwelling Law, as a three family dwelling; that the owner has prepared plans and filed same with the Department of Housing and Buildings for alterations to meet the requirements of the Multiple Dwelling Law; that under section 56 of the Multiple Dwelling Law, the owner has a right to use the building as a three family dwelling and to make such alterations as may be necessary to comply with the Multiple Dwelling Law; that prior to October 5, 1937, the building was classified as a three family dwelling; that on October 5, 1937, this classification was changed to two family dwelling at the request of the then owner; that the applicant was at that time the holder of the second mortgage on the building; that such second mortgage was placed in 1933, when the building was used as a three family dwelling; that the applicant as mortgagee, received no notice of change of classification which was made October 5, 1937; that no physical change was made in the building at the time of the reclassification or at any time thereafter; that the building continued to be used as a three family dwelling even after such reclassification; that the applicant became the owner in 1941 through foreclosure; that the change in

classification has no effect on the owner's right to use the building as a three family dwelling pursuant to section 56 of the Multiple Dwelling Law; that the proposed work consists of erecting new fire escapes in compliance with section 145 of the Multiple Dwelling Law on the south side of the building and installing self-closing doors leading to apartments on all floors, enclosing the cellar stairs with 4 in. terra cotta blocks and installing a self-closing fireproof door at the bottom of the cellar stairway and fire-retarding the cellar ceiling; and

WHEREAS, the applicant further contends that it was notified by the Department of Housing and Buildings on August 4, 1942 that the building was then classified as a heretofore converted dwelling class A; that on September 30, 1942, the applicant was notified that their letter of August 4, 1942 had been sent in error and that the records of the Department showed the building had been converted to a two family dwelling on October 5, 1937 and could not be accepted again as a class A heretofore converted dwelling; that the nature of the classification appearing on the records of the Department is not material and does not affect the status of the building under the statute; that in the matter of *People vs. Murdock*, 166 Misc. 124, 300 New York Supplement 1250, the facts are identical with the facts present in the instant application; and

WHEREAS, the Board has been informed by Mrs. L. Scheuing, the former owner, that in 1937 the building was reconverted to a two family occupancy by order of the Building Department, which required such revision or vacation of the building; that in 1939, application was made to the Department of Housing and Buildings to restore the building to three family occupancy, but was denied; that the present owner has illegally reinstalled the fixtures which the former owner was compelled to remove and has been renting the dwelling for three families since July 1941; that there were only two gas and two electric meters on the premises during the former owner's possession; that in August 1928, a first mortgage of six thousand dollars was given to the Williamsburg Savings Bank on the building as a two family dwelling; that in the foreclosure proceedings on file in the County Clerk's Office, the premises were described in the complaint as being improved with a two family house; and

WHEREAS, the former owner has filed with the Board, an excerpt from the record of the Department of Housing and Buildings signed by Chief Inspector Berryman, which reads as follows:

"In 1939 Mrs. Scheuing requested the housing department to reinstate on our records as a multiple dwelling. I informed her that this building had been legally removed from the records by this department and a new certificate of occupancy for a two family dwelling issued. It could not again be converted or reclassified as a multiple dwelling."

and

WHEREAS, it appears that no certificate of compliance or certificate of occupancy or a permit was ever issued to permit the building to be occupied for three families; and

WHEREAS, it is the opinion of the Board, that no frame building could lawfully be occupied by three families prior to the adoption of the Multiple Dwelling Law; unless such building was duly approved under the provisions of Section 31 of the Tenement House Law, and that Section 56 of the Multiple Dwelling Law prohibits the occupancy after April 18, 1929, of a frame building for three or more families which was not in compliance with Section 31 of the Tenement House Law, and that the decision of the Appellate Division in *Ramundo vs. Murdock* (N. Y. Law Journal, February 27, 1943) upholds this view and that any other construction of these statutes would be contrary to the legislative finding as expressed in Art. 1, Section 2 of the Multiple Dwelling Law enacted as Chapter 713 of the Laws of 1929.

Resolved, that the decision of the borough superintendent acting on Alt. Applic. 1151-43, be and it hereby is *affirmed* and that the appeal be and it hereby is *denied*.

MINUTES

490-43-A

APPLICANT—The American Sugar Refining Co., owner.
SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—330-350 Kent avenue, west side, from South 4th to South 5th streets (Building 20); (Block 2427, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: W. P. Coster and F. M. Gibson.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (490-43-A)

WHEREAS, The American Sugar Refining Company, owner, filed October 15, 1943, an appeal from an order and decision of the fire commissioner, affecting premises 330-350 Kent avenue, west side, from 4th to South 5th streets (Building 20); (Block 2427, Lot 1), Borough of Brooklyn; and

WHEREAS, Order 10771-LF issued by the fire commissioner, dated June 21, 1943, reads:

"1. Repair or replace the missing shutters with proper iron shutters at all openings in the exterior wall above 1st story which are distant in a direct line less than 30 ft. from any opening in any other building and not in the same plane with said openings and which are not more than 50 ft. above a neighboring roof on rear of the building, or other approved protection. Section 491A-2-2.0, Chapter 19, Admin. Code of the City of New York."

and

WHEREAS, the decision of the fire commissioner, dated September 16, 1943, reads:

"We have your letter of September 13th advising that you have been unable to secure the material for compliance with Order No. 10771-LF and we note your request to hold the Order in abeyance. We regret that your request must be denied for the reason that the protection of the exposure windows is required by a mandatory provision of the Administrative Code. Modifications may be obtained only from the Board of Standards and Appeals."

and

WHEREAS, the applicant states the building is 7 stories and basement (79.5 ft.) in height, 205 ft. by 151 ft. in area; Class 6 construction; erected in 1882; located in an unrestricted use district and occupied for packaging, warehousing and shipping with an occupancy of no persons in basement, none on the 1st floor, 15 on the second floor, none on the 3rd floor, 20 on the 4th floor, 1 on the 5th floor, 12 on the 6th floor, 85 on the 7th floor and 2 in the pent house; that the building is equipped with an automatic sprinkler system, standpipe and interior fire alarm systems and fire drills are maintained; that there are three interior stairs 34 in. and 36 in. wide extending from roof to first story, one of which extends to street, that stairs are of steel construction, enclosed in hollow tile partitions, equipped with 3-ply tinclad self-closing wood doors; and

WHEREAS, the applicant contends that when the building was erected in 1882, the windows were equipped with manually operated iron shutters, due probably to the existence of forges and steam boilers with relatively low stacks in the lower buildings on the same premises; that since that time, the boilers and forges have been removed; that all of the buildings have been completely equipped with sprinklers having three sources of supply supervised by the American District Telegraph; a standpipe system has been installed in all of the buildings involved as well as an interior fire alarm system and monthly fire drills are maintained; that all the buildings are occupied by the same owner with no

outside tenants; that on part of the north and west walls at about the fifth floor, there is an outside electric power line, which presents a possible hazard in the accidental dropping of a shutter which would cause a serious power disturbance, and in view of the reduction in hazards, the increased fire protection and the fact the shutters were no longer considered necessary, they were contributed to last year's National Scrap Drive; that as the order requires shutters for 108 windows, which would necessitate the use of over three tons of steel, it is therefore requested the Board grant a modification of the provisions of the Administrative Code.

Resolved, that the order of the fire commissioner, acting on Order 10771-LF, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* so long as the building in question and the abutting building are under the same ownership and occupancy and the conditions as described are maintained; that the sprinkler system, standpipe system, interior fire alarms and fire drills are maintained to the satisfaction of the fire commissioner, and the connection of the alarm of the sprinkler system to fire headquarters through a central station is maintained; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board under Cal. 2039-17-S.

512-43-A

APPLICANT—Salz Brothers, Inc., for L. F. and E. B. Salz, owners.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—44-50 West 28th street, south side, 100 ft. east of Sixth avenue (16th floor); (Block 829, Lot 68), Borough of Manhattan.

APPEARANCES—

For Applicant: Theodore Hirsch and Jack Sachs.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (512-43-A)

WHEREAS, Salz Brothers Incorporated, for L. F. and E. B. Salz, owners, filed on October 27, 1943, an appeal from an order of the fire commissioner, affecting premises 44-50 West 28th street, south side, 100 ft. east of Sixth avenue (16th floor); (Block 829, Lot 68), Borough of Manhattan; and

WHEREAS, Order 36121-L.C., issued by the fire commissioner October 6, 1943, reads:

"Before a permit may be issued for you to store or use nitro-cellulose the following must be done:

1. Discontinue the use of any lighting system other than incandescent electric lights protected where necessary against mechanical injury or vapors with substantial wire guards or vaporproof globes and keyless sockets or both. The use of portable lights on extension cords in any room in which nitro cellulose products are handled or stored is prohibited. Sec. C19-112.0.1."

and

WHEREAS, the applicant states that the building is 16 stories (220 ft.) in height; 100 ft. by 100 ft. in area; of Class 1 construction; located in an unrestricted use, B area district and used and occupied as follows: 1st floor, store, 30 persons; 2nd floor, manufacturing lumber jackets, 80 persons; 3rd floor, engraving plates, 20 persons; 4th floor, same, 15 persons; 5th floor, manufacturing shower curtains, 50 persons; 6th floor, pleating collars and cuffs, 50 persons; 7th floor, manufacturing blankets, 40 persons; 8th floor, manufacturing blankets, 25 persons; 9th floor, manufacturing house dresses, 25 persons; 10th floor, manufacturing ladies underwear, 50 persons; 11th floor, manufacturing table linens, 50 persons; 12th floor, manufacturing gloves, ladies

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underwear, smoking jackets and robes, 12 persons; 13th floor, manufacturing ladies underwear, 50 persons; 14th floor, manufacturing mens shirts, 25 persons; 15th floor, assembling pens and pencils, 20 persons; 16th floor, manufacturing pens and pencils, 38 persons; that no change in use or occupancy is proposed; that the building is equipped with a two source sprinkler system, a standpipe system and interior fire alarm system and fire drills are maintained; that there are two 3 ft. 8 in. fireproof stairs leading from roof to street and one fire escape leading to roof by stairs and to street through fire passageway on first floor and that windows and doors on the course of the fire escape are self-closing; and

WHEREAS, the applicant states that there are 94 fluorescent lighting fixtures, each having 2 bulbs of 40 watts installed on the premises; that the nitro-cellulose products are not manufactured on the premises, but are furnished in tubing form and cut to regulation size for caps and barrels of writing instruments; that the installation of the fixtures in question was approved by the Department of Water Supply, Gas and Electricity under Certificate No. 18215; that the fixtures were installed to conserve power and to render improved lighting, which is essential because of the close tolerance in connection with the manufacture of the applicant's products; that all of the fixtures in question are uniformly hung from the ceiling and where located over machinery and equipment, are approximately 6 ft. from the operators; that the premises are equipped with a regulation fireproof vault for the storage of nitro-cellulose products, which has been approved by the Fire Department.

Resolved, that Order 36121-LC, issued by the fire commissioner October 6, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the premises shall be maintained to the satisfaction of the fire commissioner; that the cutting of nitro-cellulose products shall be carried on so as to preclude an accumulation of waste; that all waste nitro-cellulose material shall be immediately immersed in water and so maintained in metal receptacles until removed from the premises; that no other inflammable materials shall be used near such nitro-cellulose products unless protected to the satisfaction of the fire commissioner; that ample natural ventilation to the outer air shall be provided at all times; that no portable lights on extension cords in any rooms where nitro-cellulose products are handled or stored, shall be maintained; that in all other respects, including the regulations for nitro-cellulose occupancy, the premises shall be maintained in accordance with the requirements therefor.

560-43-A

APPLICANT—Edgar J. Moeller, for Trustees of Columbia University in the City of New York, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—405 West 118th street, north side, 90 ft. west of Morningside drive (Block 1962, Lot 13), Borough of Manhattan.

APPEARANCES—

For Applicant: Edgar J. Moeller.

For Administration: Fred Dahlem and Henry Phenev, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (560-43-A)

WHEREAS, Edgar J. Moeller, for Trustees of Columbia University in the City of New York, owner, filed on November 19, 1943, an appeal from a decision of the borough superintendent, affecting premises: 405 West 118th street,

north side, 90 ft. west of Morningside drive (Block 1962, Lot 13), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated November 17, 1943, on Alt. Applic. 1073-43, reads:

"3. Building exceeds 2 stories and 30 ft. in height and therefore should be of fireproof construction. Sec. 4.2.1 Building Code.

4. A minimum live load of 50 lbs. per sq. ft. for office occupancy, and, 100 lbs. per sq. ft. for ground floor and public spaces required as per Secs. 7.3.2.2.2 and 7.3.2.2.5 of Building Code. Floor construction adequate to support these loads should be shown on plans.

5. Two means of egress should be provided from each floor, one of which should be an interior stair and the other such a stair or a fire tower. Stairs should be constructed of incombustible material enclosed in 3 hr. partitions and should lead from roof to street, with a min. width of 44 in. and sufficient capacity for number of occupants of each floor as determined by Sec. 6.1.2.3 Building Code.

6. All openings in rear wall should be protected by automatic fire windows as per Sec. 10.7.1 Building Code."

and

WHEREAS, the applicant states the building is six stories, (65 ft.) in height, 60 ft. by 87 ft. in area; of Class 3 construction; erected in 1907; located in a residence use, D area district, and used and occupied as a Class A multiple dwelling, that it is proposed to be used and occupied as temporary offices for use by members of the Scientific Staff of Columbia University in connection with important research for the U. S. Government, 25 persons per floor; that the building is equipped with one 3 ft. wide steel stairs enclosed in fireproof partitions equipped with fireproof self-closing doors and one exterior fire escape on front leading to roof by stairs and to street by ladder and one exterior fire escape at rear leading to roof by stairs and to yard by ladder with egress from the yard through fireproof passageway in cellar to street; and

WHEREAS, the applicant contends that it is proposed to remove most of the interior non-bearing partitions, the baths and kitchen fixtures and to make the building available for temporary use as a department of Columbia University for research work by its Scientific Staff for the U. S. Government in connection with the present emergency, the work to be done in the building will be entirely clerical; that as soon as the emergency is over, the building will be reconverted to its former use as a Class A Multiple Dwelling.

Resolved, that the decision of the borough superintendent, acting on Alt. Applic. 1073-43, be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to Objections 3, 4, 5 and 6, to permit the building to be occupied for temporary use as proposed without prejudice to being restored to a Class A Multiple Dwelling upon the termination of such temporary occupancy, provided the building is restored as now existing, under the approval of the Division of Housing of the Department of Housing and Buildings; that such temporary occupancy shall be only for a term of the present emergency and for six (6) months thereafter; that the occupancy shall be for no other use than as proposed; that the separation of stairs on each floor from the balance of the building shall be indicated on plans filed with the borough superintendent under Alt. 1073-43, under date of November 15, 1943; that the present permitted live load per superficial foot shall be posted on each floor and no space in the building shall be occupied so as to exceed such load.

563-43-A

APPLICANT—Street and Adikes, for Dick-Meyer Corporation, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

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PREMISES AFFECTED—56-02 31st avenue, southeast corner of 56th street (Block 1134, Lot 1), Woodside, Borough of Queens.

APPEARANCES—

For Applicant: J. N. Adikes and H. E. O'Callaghan.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (563-43-A)

WHEREAS, Street and Adikes, for Dick-Meyer Corporation, owner, filed November 19, 1943, an appeal from a decision of the borough superintendent, affecting premises 56-02 31st avenue, southeast corner 56th street (Block 1134, Lot 1), Woodside, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated November 17, 1943, on Alt. Applic. 1535-43, reads:

"1. Proposed request for temporary change of use from a public garage to a commercial building is denied as this department has not the authority to grant a temporary certificate of occupancy for two years with the privilege of reverting back to its former use."

and

WHEREAS, the applicant states that the building is one story (13 ft.) in height; 145 ft. by 152 ft. in area; of Class 3 construction; erected 1935; located in a business use district, and used as a garage for more than five motor vehicles; that it is proposed to be used: cellar, boiler room; 1st floor, storage warehouse, 5 persons; and that the building is equipped with a standpipe system; and

WHEREAS, the applicant contends that at the time of the erection of the building, the premises were in an unrestricted use district which has since been changed to a business use district; that as a result of war conditions, it cannot be used for garage and pay carrying charges; that due to war conditions, there is insufficient storage space in the borough and the best use to which this property can be put for the duration is as a storage warehouse; that the lessee (The Pepsi-Cola Co.), requires additional space to store material in order to facilitate deliveries; that it is proposed to lease the building for a period of two years for use as a storage warehouse, if the Board will grant temporary permission for the proposed use without prejudice to the right to use the building as a garage at the expiration of the lease; that no volatile inflammable oil, combustible mixtures or combustible fibers will be stored without permission from the fire commissioner; that no structural change is contemplated for the proposed use and therefore the applicant requests, that due to the hardship resulting from war conditions in that the building cannot be used for automobile uses for the duration, that a variance be granted, permitting the use of the building as a storage warehouse to help solve the owners economic problem during the war period.

Resolved, that the decision of the borough superintendent on Alt. Applic. 1535-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted* to permit the building to be occupied as proposed for a temporary term of two (2) years from December 1, 1943, under the present certificate of occupancy and without prejudice to return to the garage use after the termination of the temporary use, *on condition* that the building shall not be increased in height or area and shall not be structurally altered; that the gasoline storage tank shall be purged and sealed to the satisfaction of the fire commissioner; that such portable fire-fighting appliances shall be maintained during such temporary occupancy as the fire commissioner shall direct; that the building shall be occupied as proposed for storage only without manufacturing and without garaging of cars, except that unloading and shipping of materials may be done within the front portion of the first floor.

126-42-A

APPLICANT—Allin, Riggs and Shaughnessy, for Young Men's Christian Association, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—re Appeal from an order of the fire commissioner.

PREMISES AFFECTED—350-358 West 34th street, south side, 49 ft. east of Ninth avenue and 351-359 West 33rd street (Block 757, Lot 66), Borough of Manhattan.

APPEARANCES—

For Applicant: George L. Allin.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (126-42-A)

WHEREAS, this appeal from an order of the fire commissioner; premises 350-358 West 34th street, south side, 49 ft. east of Ninth avenue and 351-359 West 33rd street (Block 757, Lot 66), Borough of Manhattan, was granted by the Board March 17, 1942, on certain conditions, resolution amended on June 30, 1942 and the applicant requested a further amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted by the Board on March 17, 1942, as amended on June 30, 1942, so that as amended, the resolution shall read:

"Resolved, that the order of the fire commissioner, No. 13141-LF, Item No. 3, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that there shall be sprinkler heads fed from the domestic water supply line of the building in all rooms in the cellar used for storage or checking including the rooms now sprinklered, namely, the carpenter shop, waste paper room and tailor shop; that in all other respects the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as varied by the Board under Cal. No. 896-28-BZ; that if the material required for the extension of the sprinkler system is not released by the War Production Board, that such extension shall be completed in accordance with the requirements of this resolution as soon as such material is released, provided that meanwhile there shall be maintained within the spaces required to be sprinklered, two one-half gallon soda and acid extinguishers, located as the fire commissioner shall direct, and provided that as soon as such material is released, the sprinkler work shall be promptly commenced and completed with reasonable promptness."

462-42-S

APPLICANT—Albert J. Appell, for Revel Realty and Securities Co., owner.

SUBJECT—Application for consideration—reopening and amendment of resolution, re Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—251-253 West 19th street, north side, 221 ft. east of Eighth avenue (cellar, 1st, 3rd, 4th and 5th floors); (Block 769, Lot 10), Borough of Manhattan.

APPEARANCES—

For Applicant: Albert J. Appell.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

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THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (462-42-S)

WHEREAS, Radio Receptor Company, Inc. (lessee), for Revel Realty and Securities Company, owner, filed May 8, 1942, an application for a variation from the requirements of the Labor Law, as cited in a decision of the borough superintendent, affecting premises 251-253 West 19th street, north side, 221 ft. east of Eighth avenue (Block 769, Lot 10); (cellar, first, third, fourth and fifth floors), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent dated June 3, 1942, reads:

"In reply to your letter of April 25, 1942, relative to installing panic locks on the east entrances of the floors which you now occupy in the above premises, I regret to advise that Section 272 of the Labor Law requires that 'no door leading into or out of any factory or any floor thereof, shall be locked, bolted or fastened during working hours.'

This department is without power to vary the requirements of this law, and therefore permission to place panic locks is denied."

and

WHEREAS, the applicant states the building is 10 stories in height; 79.2 ft. by 91.8 ft. in area; of Class 1 construction; erected about 15 years ago; located in a residence use district; and occupied since 1937 as follows: Cellar, manufacturing radio equipment, 15 persons; 1st floor, packing, shipping and receiving, 9 persons; second floor, manufacturing uniforms, 35 persons; third floor, manufacturing radio equipment, 55 persons; fourth floor, manufacturing radio equipment, 36 persons; fifth floor, office and machine shop, 48 persons; that the building is equipped with a sprinkler system and a standpipe system; that there are two 3 ft. 6 in. fireproof stairs extending from the roof to street and one fire escape at rear extending to roof and connecting to passageway at mezzanine story; that windows and doors on the course are fireproof; that Certificate of Occupancy No. 4473, issued in 1922, permits the use of the building as factory, 110 persons on each floor above the basement; and

WHEREAS, the applicant contends the lessee is engaged in manufacturing equipment of a confidential nature for the War Department and it is necessary to bar entrance to the plant by strangers; that the tenant is not the only occupant of the building, but the stairways are used by other tenants; that the Plant Protection Division of the War Department has inspected the building and has requested the tenant to place panic bolts on the east stairs, and fire escapes on the 3rd, 4th and 5th stories; the rear east exit of the first floor and the east exit of the basement; and

WHEREAS, the applicant has filed copy of recommendation of the Plant Protection Officer of the U. S. Army, recommending installation of the panic bolts in question; and

WHEREAS, this application was granted by the Board on June 16, 1942, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted June 16, 1942, so that as amended, the resolution shall read:

"* * * *Granted on condition* that the proposed panic bolts at the easterly stairway and easterly stair door of the exterior steel stairway shall be an approved type; that the door to the westerly stairway shall be openable at all times; that at such door a guard shall be posted or there may be an alarm gong attached thereto to give the signal in case of opening; that this variation shall continue only during the term of the present emergency and shall apply only to the floors as proposed; namely, basement, first, third, fourth and fifth; that the sprinkler system, and standpipe system, shall be maintained in accordance with the requirements therefor and to the

satisfaction of the fire commissioner, and in addition that a building fire brigade shall be maintained as required by the fire commissioner; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board under Cal. No. 294-30-A."

74-43-S

APPLICANT—Saul Rubin, for Universal Camera Corporation, for Estate of Isaac Stern, et al., owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—re Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—28-30 West 23rd street, south side, 312 ft. 6½ in. west of 5th avenue and 9-19 West 22nd street; (Block 824, Lot 28); (2nd, 6th and 12th floors), Borough of Manhattan.

APPEARANCES—

For Applicant: Saul Rubin.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (74-43-S)

WHEREAS, this application from a decision of the borough superintendent, affecting premises 28-30 West 23rd street, south side, 312 ft. 6½ in. west of Fifth avenue and 9-19 West 22nd street (2nd, 6th and 12th floors); (Block 824, Lot 28), Borough of Manhattan, was granted by the Board on March 16, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted March 16, 1943, so that, as amended the resolution shall read:

"*Resolved*, that the Board of Standards and Appeals does hereby make a *variation* in the requirements of the Labor Law, and that the application be and it hereby is *granted on condition* that the panic bolts proposed to be installed on the 2nd, 6th and 12th floors, as indicated on plans filed, 'Marked Received March 11, 1943' are installed to the satisfaction of the borough superintendent; that such panic bolts shall be of approved type; that in all other respects, the building and occupancy shall comply with all the requirements of the State Labor Law and all other laws, rules and regulations applicable thereto; that this variance is granted only for the term of the existing emergency and for not more than six (6) months thereafter."

130-43-A

APPLICANT—Sinclair Refining Company, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Appeal from a decision of the fire commissioner re packaging, transportation, storage and sale of combustible mixtures known as "Sinclair P.D. Insecticide." "Sinclair Stock Spray" and "Sinclair Industrial Spray" in one-gallon glass bottles (capacity of glass bottles not in conformity with Administrative Code requirements).

APPEARANCES—

For Applicant: Frank R. Clampitt and C. D. Wood.

ACTION OF BOARD—Appeal reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

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THE RESOLUTION (130-43-A)

WHEREAS, this appeal from a decision of the fire commissioner, re packaging, transportation, storage and sale of combustible mixtures known as "Sinclair P.D. Insecticide," "Sinclair Stock Spray" and "Sinclair Industrial Spray" in one-gallon glass bottles, was granted by the Board on April 27, 1943, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on April 27, 1943, only so far as it has reference to the time of the variance, so that as amended, this portion of the resolution shall read:

"*** *Granted* for a term of three (3) months from the date of this *amended* resolution, subject to reconsideration ***"

APPLIANCES AND MATERIALS SUBMITTED FOR APPROVAL

726-41-SA

APPLICANT—Drying Systems, Incorporated, owner.

SUBJECT—Dry-Sys Type L Indirect Oil-Fired Air Heater and Syphon Oil Burner, for Industrial Installation—approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appliance approved in accordance with report of Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (726-41-SA)

WHEREAS, the Drying Systems, Incorporated, owner, filed on August 11, 1941, an application with the Board of Standards and Appeals for approval of the appliance known as the Dry-Sys Type L Indirect Oil-Fired Air Heater and Syphon Oil Burner for Industrial Installation; and

WHEREAS, this appliance was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

October 20, 1943.

Re: Cal. 726-41-SA

Subject: Dry-Sys Type L Indirect Oil Fired Air Heater & Syphon Oil Burner, for Industrial Installation—Approval of.

Drying Systems, Inc., filed August 11, 1941, an application with the Board of Standards and Appeals for approval of the Dry-Sys Type L Indirect Oil Fired Air Heater and Syphon Oil Burner for Industrial Installations under the provisions of C19.57 Admin. Code and the Oil Burner Rules of the Board of Standards and Appeals.

CONSTRUCTION

This burner is of the industrial type used for heating air and can be installed as a single unit with its own oil reservoir or as a multiple unit with oil drawn from a common manifold pipe which is used as an oil reservoir with the oil level in the pipe determined by an adjustable dam in the oil level control unit. The purpose of the oil level control unit is to circulate the oil through the burner manifold continuously while the system is in operation. This is done by a circulating pump mounted on the unit which delivers the oil to the manifold pipe. The oil returns from the manifold pipe to the tank of the oil line control unit by gravity. The amount of oil retained in the manifold is determined

by the setting of the overflow dam. Within the oil level control unit there is provided a ball float to shut off the oil supply when the required oil level in the tank has been reached. As an additional precaution, an overflow outlet is provided on the oil tank which spills into a bucket attached to the lever valve in the oil supply line. The weight of the oil in the bucket closes this valve and shuts off the oil supply line should the float valve fail to function.

The burner tips are of the syphon type wherein the oil is syphoned out of the manifold pipe by the passage of compressed air over the oil tip. This compressed air also serves to atomize the oil as it leaves the nozzle. A reduction in air pressure will result in a reduction of the amount of oil syphoned, and a stoppage of air pressure will at once stop the syphoning of the oil.

The lower tube of the air heater is the combustion chamber and the products of combustion pass through the upper tubes (five tubes in all) to the exhaust stack. The air is heated by passing over the outside surface of these tubes between the extended fins which are cast on the outside of each tube.

The products of combustion do not mix with the air but are conveyed in heater delivery ducts arranged to break electric contact in the event that temperature in heater delivery duct exceeds predetermined control-setting. Current 110 Volt 60 cycle 1 phase.

"Dry-Sys" suction air flow switches at fans maintain electrical contact through suction created by fan rotation. If fan fails, suction ceases and contact is broken in flow switch automatically closing all magnetic valves.

"Dry-Sys" flame rod units establish electrical contact through pilot on main burner flames. Failure of flames or grounding of flame rod breaks contact through safety valve cabinet and automatically closes safety gas and air magnetic valves, by a flue to the outer air.

The Minneapolis Honeywell control—pressure control No. 404 L range 2 to 50 lbs. is installed in air supply to the burner, making electrical contact through pressure in air line. When air pressure fails, contact is broken, automatically closing magnetic gas pilot.

Mercoid magnetic gas pilot shut-off valve 1 in. K 3 B is installed in gas pilot lines and closes automatically on failure of any one or all of safety devices. 115 volt 60 cycle 1 phase current Mercoid magnetic air shut-off valve 2 in. K 15-5 installed in air line to main burners closes automatically on failure of safety devices. 115 volt 60 cycle 1 phase 1¼ in. direct acting air operated diaphragm control valve in air line actuated by Foxboro temperature control opens or closes on fall or rise of over temperatures.

Partlow limit switch SMR 6 and 9B.

TEST

This system was inspected and tested by the Committee on Tests and the representative of the Division of Combustibles of the Fire Department at the plant of the United Metal Box Co. at 168 Seventh street, Brooklyn, on October 20, 1943. All controls and burners were found to function as designed. The air pressure was 25 lbs.; the gas pressure 4 inches of water; the burners within their operation range functioned without defects. A remote control is provided near door leading to burner room.

RECOMMENDATION

On the basis of this inspection and test, it is recommended that the Dry-Sys Type L Indirect Oil Fired Air Heater and Syphon Oil Burner be approved for use in New York City in industrial installations when installed in accordance with the Oil Burner Rules of the Board of Standards and Appeals and with this report, provided there be maintained a person holding a certificate of fitness in charge of these burners at all times that they are in operation; and that there be

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attached to each burner or installation of burner a label permanently affixed reading "Approved by the Board of Standards and Appeals for use in New York City under Cal. 726-41-SA."

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLE M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this appliance.

Resolved, that the Board of Standards and Appeals does hereby approve the appliance known the the Dry-Sys Type L Indirect Oil-Fired Air Heater and Syphon Oil Burner for Industrial Installation, on condition that the appliance be manufactured, installed, and labelled, stamped or tagged in accordance with the above report.

246-43-SA

APPLICANT—Weldit Acetylene Company, owner.

SUBJECT—Weldit Model E, Gasaver, approval of.

APPEARANCES—

For Applicant: J. D. McNamara.

ACTION OF BOARD—Appliance approved in accordance with report of Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (246-43-SA)

WHEREAS, the Weldit Acetylene Company, owner, filed on May 24, 1943, an application with the Board of Standards and Appeals for approval of the appliance known as the Weldit Model E, Gasaver; and

WHEREAS, this appliance was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

November 8, 1943.

Cal. 246-43-SA

Subject: Weldit, Model E, Gasaver, Approval of.

The Weldit Acetylene Company of Detroit, Michigan, filed May 24, 1943, an application with the Board of Standards and Appeals for approval of the Weldit Model E Gasaver under the provisions of C19-93.0, Administrative Code.

DESCRIPTION

This device is a special fitting for controlling the flow of gases to an oxy-acetylene torch. It is designed to obviate the waste of gas and time necessitated by the closing of torch valves and the relighting and adjusting of the flame between torch operations.

The device contains a shutoff valve for each gas, both valves being closed by hanging the torch on the hooked lever. The valves are opened by springs when the torch is removed from the hook and a small acetylene pilot flame permits relighting the torch readily.

ASSEMBLY

The device consists of a metal base supporting two cast-brass valve bodies which are threaded to take the inlet and outlet connections. The top of the support carries two screws which form the bearings for the cast-brass hook lever. The brass tube for the pilot jet is connected to the acetylene valve body.

Valves—The valves consist of a cast-brass body valve check valve assembly, and packing gland. The inlet connection is below the valve seat and the outlet connection is directly above the valve seat on the opposite side of the valve body. The valve closes against the hose line pressure.

The valve check assembly consists of a 1/8-in. brass rod 2 1/2-in. long, one end of which is threaded into a 7/16-in. round brass seat retainer, which carries a rubber seat. Above the seat retainer is a spring retaining collar, a 1 1/2-in. No. 24 U. S. gauge steel spring 1-3/16 in. long, and a second spring retaining collar soldered to the valve stem.

Hose Connections—The inlet and outlet hose connections are standard drawn-brass connectors threaded into the valve bodies. The acetylene hose connectors are furnished with the standard left hand threads.

Finish—The enclosing case and the hook lever are japanned. Other parts are polished natural brass.

TEST

The device, without the brass case, has been tested and approved by the Underwriters Laboratories, Inc., Misc. Hazard Report No. 1440.

Inspection and test of the device was made by the Committee on Tests of the Board and the Representative of the Division of Combustibles of the Fire Department at the plant of the Air Reduction Company, Jersey City, on September 22, 1943 and it was found that the device operated throughout the tests as intended, closing both oxygen and acetylene valves when the lever was depressed and opening both valves when the lever was released. There was no indication of weakness in any part of the device nor of leaks around the valves.

RECOMMENDATION

On the basis of this inspection and test, it is recommended that the Weldit, Model E, Gasaver be approved for use in New York City, with oxy-acetylene torches under the provisions of C19.93.0 of the Administrative Code, provided the device has a label permanently affixed reading: "Approved by the Board of Standards and Appeals for Use in New York City under Cal. 246-43-SA."

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this appliance.

Resolved, that the Board of Standards and Appeals does hereby approve the appliance known as the Weldit Model E Gasaver, on condition that the appliance be manufactured, installed, and labelled, stamped or tagged in accordance with the above report.

340-43-SM

APPLICANT—Concrete Plank Co., Inc., owner.

SUBJECT—Concrete Plank Co., Inc., Precast Concrete Slab, size 1 in. x 16 in. x 48 in., approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Material approved in accordance with report of Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

MINUTES

THE RESOLUTION (340-43-SM)

WHEREAS, the Concrete Plank Co., Inc., owner, filed on July 3, 1943, an application with the Board of Standards and Appeals for approval of the material known as the Precast Concrete Plank, 1 in. x 16 in. x 48 in.; and

WHEREAS, this material was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

November 9, 1943.

Re: Cal. 340-43-SM.

Subject: Precast Concrete Plank, 1" x 16" x 48".

The Concrete Plank Company of Jersey City, N. J., filed an application with the Board of Standards and Appeals for the approval of their roof plank consisting of a reinforced concrete slab 1" x 16" x 48" under the requirements of C26-178.0b, based on load tests as provided in C26-626.0, for use as a roof slab under C26-618.0b and C26-619.0b, Administrative Building Code.

DESCRIPTION AND MANUFACTURE

The planks are of precast nailable concrete consisting of one part approved High Early Strength Portland Cement, one part of approved Portland Cement mixed with six parts approved aerated slag or hard coal steam cinders all by volume, and having a strength of 800 p.s.i. at the end of 28 days (cylinders). These aggregates are screened through a three mesh screen, to which is added 2% calcium chloride and an aerating agent. The mixture and cement are then placed in a rotary drum mixer after which it is discharged in a rotating screen type mixer where the mixture is further mixed and aerated till it reaches a density equal to 75#/cu. ft. which is checked by trial weighing.

The concrete is then poured into a mold where steel reinforcement consisting of one layer of cold drawn galvanized wire mesh having an area of .062 sq. in. per sq. ft. of width is placed $\frac{1}{4}$ " from the bottom of the mold form. The reinforcement was made up of five (5) No. 9 U. S. G. wire running longitudinally and with No. 12 U. S. G. wire running transversely 10" o.c. The concrete is then vibrated, screeded and placed in a closed building where it is allowed to age. Periodically throughout the day and after initial set, water is sprinkled on the piles of these slabs so as to permit proper curing. After setting, the forms are removed and curing continued. In view of the use of High Early Strength Cement, the slabs are ready for use after fourteen days from the time of manufacture.

These planks are proposed to be used as provided in C26-618,b and C26-619,b, in class 1 and class 2 construction as a roof slab with a maximum span of 24" secured to the beams by means of a butterfly clip which anchors and secures the slab to the supporting steel. When used in class 3 construction, they are anchored to the wood beams by clips in the form of a flat strip 2" x 4" x $\frac{1}{16}$ " which has a hole in the center to permit nailing to the wood beam by means of a 20 penny nail. The clip is so placed so as to overlap two slabs. After the roof is laid, cement grout consisting of a 1:1 paste of cement and sand is broomed into all joints so as to provide a smooth level surface.

TESTS

Samples of this slab were made by the applicant and submitted to third point loading tests as specified under C26-626.0 of the Administrative Building Code. The manufacture and testing of these slabs were made in the presence of the Committee on Tests with load test results as follows:

		24" Span	
Panel No. 1		(Slab 1" x 16" x 48")	
Load		Scale Measurement of Deflection	
0		9-5/8	
178		9-9/16	
95		9-1/2	
95		9-1/2	
95		9-1/2	
95		9-7/16	
95		9-3/8	
95		Broke	
653		Max. Def. $\frac{1}{4}$ "	
653	= 245 ÷ 4	= 61.5 #/sq. ft.	
2.66			
Panel No. 2		Scale Measurement of Deflection	
Load			
0		9-5/8	
178		9-9/16	
188		9-7/16	
94		9-3/8	
94		9-5/16	
94		9-1/4	
25		Broke	
673		Max. Def. $\frac{3}{8}$ "	
673	= 253 ÷ 4	= 63.2 #/sq. ft.	
2.66			
Panel No. 3		Scale Measurement of Deflection	
Load			
0		9-7/8	
178		9-13/16	
190		9-11/16	
190		9-9/16	
95		9-7/16	
97		Broke	
660		Max. Def. $\frac{7}{8}$ "	
660	= 247 ÷ 4	= 61.6 #/sq. ft.	
2.66			
		16" Span	
Panel No. 1		Scale Measurement of Deflection	
Load			
0		9-7/8	
178		9-7/8	
190		9-13/16	
190		9-3/4	
190		9-3/4	
190		9-11/16	
95		9-11/16	
95		9-5/8	
1128		Max. Def. $\frac{1}{4}$ "	
1128	= 644 ÷ 4	= 160.5 #/sq. ft.	
1.75			
Panel No. 2		Scale Measurement of Deflection	
Load			
0		9-7/8	
178		9-7/8	
190		9-15/16	
190		9-3/4	
190		9-11/16	
190		9-11/16	
190		9-5/8	
95		Broke	
1153		Max. Def. $\frac{1}{4}$ "	
1153	= 662 ÷ 4	= 165.0 #/sq. ft.	
1.75			

MINUTES

RECAPITULATION

Panel	Load #	24" Span Allowable Load #/sq. ft.	Def. "
		Simple Span	
1	653	61.5	1/4
2	673	63.2	3/8
3	660	61.6	7/16
Average	661	62.1	3/8 minus
16" Span			
Panel	Load #	Allowable Load #/sq. ft.	Def. "
1	1128	160.5	1/4
2	1153	165.0	1/4
3			
Average	1140	162.7	1/4

RECOMMENDATIONS

On the basis of the foregoing data, the Committee on Tests recommends the approval of the applicant's precast nailable concrete roof slab for uses not required to have a fire resistive rating when made and of the properties as described herein with 1:3 concrete mixed with five gallons of water and having a compression strength of not less than 800 lbs. per sq. in. (cylinders) at the end of 28 days, under C26-191.0,a of the Administrative Building Code for use as roof material in class 1 and class 2 construction where steel is not required to be fireproofed under C26-618.0,b and C26-619.0,b in accordance with the load values as determined under C26-626.0, and similarly for roof construction in class 3 construction, all when applied as described herein and provided that precautions be taken to provide at least 2" bearing at each support, that the supporting steel or wood beams, joists or purlins be properly aligned, that all slabs be adequately secured as provided herein or by equivalent means, that when the roof is pitched, each plank be held in place by two clips per plank, that the dead weight of the planks on pitched roofs be supported on the middle thirds of the roof surface by angle cleats secured by welding, bolting or other equivalent means and that each slab be legibly marked reading as follows: "Approved by the Board of Standards and Appeals for use in New York City under Cal. 340-43-SM."

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this material.

Resolved, that the Board of Standards and Appeals does hereby approve the material known as Precast Concrete Plank, 1 in. x 16 in. x 48 in., on condition that the material be manufactured, installed and labelled, stamped or tagged in accordance with above report.

354-43-SM

APPLICANT—The Patent and Licensing Corp., for Olsen Products, Inc., owner.

SUBJECT—Olsen Clip System 2-in. Solid Plaster Partition, approval of.

APPEARANCES—

For Applicant: A. Olsen and J. A. Main.

ACTION OF BOARD—Material approved in accordance with report of Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (354-43-SM)

WHEREAS, the Patent and Licensing Corporation, for Olsen Products, Inc., owner, filed on July 12, 1943, an application with the Board of Standards and Appeals for approval of the material known as the Olsen Clip System 2 in. Solid Plaster Partition; and

WHEREAS, this material was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

October 27, 1943.

Cal. 354-43-SM.

Subject: Olsen Clip System 2" Solid Plaster Partition, Approval of.

The Patent and Licensing Corporation for Olsen Products, Inc., filed July 12, 1943, an application with the Board of Standards and Appeals for approval of the Olsen Clip System 2" Solid Plaster Partition under the provisions of C26-178.0,b and as a substitute method of attaching gypsum plaster board to that as provided in C26-462.b of the Administrative Building Code, and as a new method of construction not provided for in the Administrative Building Code but within the intent of C26-3.0 of the Administrative Building Code.

CONSTRUCTION

The core of this non-bearing partition is of approved gypsum plaster board either perforated or non-perforated panel $\frac{3}{8}$ or $\frac{1}{2}$ in. in thickness, which is used in one full length ceiling height, fastened top and bottom in floor and ceiling channels, the vertical joints between the panels being fastened and reinforced with Olsen Type C clips (Approved under Cal. 1041-41-SM) spaced at 16-inch intervals. At non-bearing corners and at inside corners where the non-bearing partition abuts an exterior wall or bearing walls Olsen Type B Corner Clips (Approved under Cal. 1041-41-SM) are used; and where non-bearing partitions abut, interlocked pairs of corner clips are applied at 16-inch intervals to facilitate the application of plaster on one side of the partition. A temporary horizontal reinforcing member is attached to the reverse side of the wall, using an Olsen Type A wood stud clip (Approved under Cal. 1041-41-SM) to hold it in place. These clips are manufactured of No. 12 gauge hard drawn steel wire and shaped so as to hold two panels together and spaced 16 in. on centers and known as Type A, Type B and Type C. Type C clip is identical with the combination clip shown in Fig. 4 of report under Cal. 1041-41-SM. Type B is similar to corner clip shown in Fig. 3a and Type A is similar to the P. S. Clip shown in Fig. 1. The new designation is used for this type of construction. These partitions are secured at the floor and ceiling in metal angle runners or in wooden channels 2" x 2" outside dimension with a $\frac{3}{4}$ x $\frac{3}{4}$ in. rabbet.

TEST

An inspection and test of this method of construction was made at the Fort Greene Housing Project, Building No. 25, Brooklyn, on May 7, 1943.

Tests were conducted on actual partition walls with plaster ten days old on 2nd (No. 1), 3rd (No. 2) and 4th (No. 3) floors. Test panels 9 ft. 0 in. wide by 8 ft. 0 in. high, consisting of $\frac{1}{2}$ in. thick gypsum board held with Type C (Olsen) clips 16 in. c-c coated with scratch and brown both sides.

MINUTES

Tests were conducted by swinging a 60 lb. bag of sand against the panels. See table of test results below.

TEST RESULTS

Arc of swing	6"	12"	18"	24"	30"	36"
*Test No. 1 Defl.	1/16"	1/8"	3/16"	1/4"	1/2"	1/2"
**Test No. 2 Defl.	3/32"	3/8"	3/8"	5/8"	7/8"	7/8"
***Test No. 3 Defl.	1/16"	1/8"	1/4"	7/16"	7/16"	5/8"

*1-9/16" thick panel—No cracks, no permanent deflection.

**1-3/8" thick panel—One crack 23" long vertical at center.

***1-9/16" thick panel—No cracks, permanent deflection 1/32".

Test No. 1 Olsen panel.

Test No. 2 and No. 3 Panels of Gypsum board between steel ribs (studs).

A test was also conducted on August 21, 1942, at the Metropolitan Housing Project, Los Angeles, California, by the Blue Diamond Corporation, for Starrett Bros. and Eken Builders, and the Board of Building and Safety Commission, City of Los Angeles. Data of this test was submitted and considered by the Committee.

The test panel was erected 48" by 48" by 2-1/16" overall thickness using 3/8" plaster boards. This was set in a 2" by 2-1/16" wood frame. It was plastered both sides with two coats—2 1/2 parts sand to 1/2 plaster. The plaster was allowed to cure for 21 days. The panel was set on two timber supports located at the ends of the panel. In the centre of the panel was placed a wood block 1" x 8" x 8" and in this block iron weights were applied in 100 lb. lifts. At 800 lbs. no deflection was apparent. As the 900 lb. weight was being applied the panel crashed breaking into four pieces with no cracks following the joints of the boards as was anticipated.

RECOMMENDATIONS

On the basis of the foregoing data, the Committee on Tests recommends that the Olsen Clip System 2" solid non-bearing partition, not over 9 ft. in height, using 3/8 or 1/2 inch thick gypsum plaster boards, approved for use in New York City as a substitute method of construction, within the intent of C26-3.0 of the Administrative Building Code, be approved when installed in accordance with this report, provided that each wall panel be furnished with an adequate base board above the finished floor; that all door bucks be attached directly to the floor and ceiling joists; that all walls be true and plumb before plastering; that the scratch coat shall be not less than 3/16 to 1/4 in. thick; that the brown coat be not less than 7/16 in. thick with a finish coat 1/8 in. thick, all on a 3/8 in. or 1/2 in. gypsum plaster base of approved type.

It is further recommended that each drawing filed with the department have wording reading as follows:

"This installation complies with the requirements of the Approval Granted by the Board of Standards and Appeals for Use in New York City under Cal. 354-43-SM."

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this material.

Resolved, that the Board of Standards and Appeals does hereby approve the material known as the Olsen Clip Sys-

tem 2 in. Solid Plaster Partition, on condition that the material be manufactured, installed and labelled, stamped or tagged in accordance with above report.

392-43-SA

APPLICANT—Western Electric Co., Inc., owner.

SUBJECT—Western Electric Co., Inc., Type "OF" Burner Tip for Hydrogen-Oxygen Flame—approval of.

APPEARANCES—

For Applicant: George E. Knapp and George H. Synott.

ACTION OF BOARD—Appliance approved in accordance with report of Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (392-43-SA)

WHEREAS, the Western Electric Co., Inc., owner, filed on August 7, 1943, an application with the Board of Standards and Appeals for approval of the appliance known as the Western Electric Co., Inc., Type "OF" Burner Tip for Hydrogen-Oxygen Flame; and

WHEREAS, this appliance was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

November 5, 1943.

Cal. 392-43-SA

Subject: Western Electric Company, Inc., Type "OF" Burner Tip for Hydrogen-Oxygen Flame.
Approval of.

The Western Electric Company, Inc., of New York City, filed August 7, 1943, an application with the Board of Standards and Appeals under the provisions of C19-93.0.a, Administrative Code for approval of their Type "OF" Burner Tip for Hydrogen-Oxygen flame.

DESCRIPTION

The type "OF" burner tip is constructed of Commercial Grade free turning brass of a composition 63% copper, 3% lead and the remainder zinc. The outer shell is machined from Hexagon Brass Rod 7/16 in. across the flats. The venturi is machined from round brass rod to fit the inside diameter of the outer shell, then forced into the outer shell. The burner gives an extremely sharp flame of intense heat and is used in operation on glass. Oxygen and hydrogen mixed are delivered to the burner tip through the venturi. The tip of the orifice is 0.40 in. in diameter. Some of the mixture is diverted to a jet .003 in. in diameter around a central orifice to act as a pilot. Flame screens are provided in the delivery line to prevent flash back and the necessary valves to control the flow of gases.

The appliance was inspected and tested by the Committee of the Board and the representative of the Division of Combustibles of the Fire Department at the plant of the American Gas Furnace Company, Elizabeth, New Jersey, September 22, 1943. The appliance functioned as designed without flare backs or leakage of gases.

RECOMMENDATION

On the basis of this inspection and test it is recommended that the Western Electric Company, Inc. Type "OF" Burner Tip for Hydrogen-Oxygen Flame be approved for use in New York City when constructed and used in accordance with the report and with the requirements of C19-93.0, provided the device bear a label reading: "Approved by the Board of Standards and Appeals for Use in New York City under Cal. 392-43-SA," or in lieu thereof, a die or stamp be made (and

MINUTES

stamped or labelled on article, container, bag, box, bundle or cask) bearing the following inscription within a circle: Around the periphery, at the top the word "Approved," along the bottom: "B.S. & A.," in the center, two lines, upper line reading: "N.Y.C.," lower line reading, "Cal. 392-43-SA."

(Sgd.) BERNARD A. SAVAGE,
Commissioner.

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this appliance,

Resolved, that the Board of Standards and Appeals does hereby *approve* the appliance known as the Western Electric Co., Inc., Type "OF" Burner Tip for Hydrogen-Oxygen Flame, *on condition* that the appliance be manufactured, used, and labelled, stamped or tagged in accordance with the above report.

Adjourned: 5:00 P. M.

JOSEPH J. DOYLE, Chief Clerk.

REVISED CERTIFICATE OF OCCUPANCY FORM APPROVED BY THE
BOARD OF STANDARDS AND APPEALS, JULY 12, 1938 (CAL. NO. 40-32-SR).

DEPARTMENT OF HOUSING AND BUILDINGS
BOROUGH OF , CITY OF NEW YORK

No. _____

Date.....

CERTIFICATE OF OCCUPANCY

(Standard form adopted by the Board of Standards and Appeals and issued pursuant to Section 646 of the New York City Charter, and Sections C.26-181.0 to C.26-187.0 inclusive, Administrative Code (2.1.3.1 to 2.1.3.7 B.C.))

This certificate supersedes C.O. #

To the owner or owners of the building or premises:—

THIS CERTIFIES that the new—altered—existing—building—premises located at

Block _____, Lot _____ conforms substantially to the approved plans and specifications, and to the requirements of the building code and all other laws and ordinances, and of the rules and regulations of the Board of Standards and Appeals, applicable to a building of its class and kind at the time the permit was issued; and CERTIFIES FURTHER that, any provisions of section 646F of the New York City Charter have been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent.

N.B. or Alt. No.	Construction classification
------------------	-----------------------------

Occupancy classification . Height stories, feet.

Date of completion	Located in	Use District
--------------------	------------	--------------

Area . Height . Zone at time of issuance of permit

THIS CERTIFICATE IS ISSUED SUBJECT TO THE LIMITATIONS HEREINAFTER SPECIFIED AND TO THE FOLLOWING RESOLUTIONS OF THE BOARD OF STANDARDS AND APPEALS:

(Calendar numbers to be inserted here)

PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOADS LBS. PER SQ. FT.	PERSONS ACCOMMODATED			USE
		MALE	FEMALE	TOTAL	

Borough Superintendent

RULES

NO CHANGES OF USE OR OCCUPANCY NOT CONSISTENT WITH THIS CERTIFICATE SHALL BE MADE UNLESS FIRST APPROVED BY THE BOROUGH SUPERINTENDENT

Unless an approval for the same has been obtained from the Borough Superintendent, no change or rearrangement in the structural parts of the building, or affecting the light and ventilation of any part thereof, or in the exit facilities, shall be made; no enlargement, whether by extending on any side or by increasing in height shall be made; nor shall the building be moved from one location or position to another; nor shall there be any reduction or diminution of the area of the lot or plot on which the building is located.

The building or any part thereof shall not be used for any purpose other than that for which it is certified.

The superimposed, uniformly distributed loads, or concentrated loads producing the same stresses in the construction in any story shall not exceed the live loads specified above; the number of persons of either sex in any story shall not exceed that specified when sex is indicated, nor shall the aggregate number of persons in any story exceed the specified total; and the use to which any story may be put shall be restricted to that fixed by this certificate except as specifically stated.

This certificate does not in any way relieve the owner or owners or any other person or persons in possession or control of the building or any part thereof, from obtaining such other permits, licenses or approvals as may be prescribed by law for the uses or purposes for which the building is designed or intended; nor from obtaining the special certificates required for the use and operation of elevators; nor from the installation of fire alarm systems where required by law; nor from complying with any lawful order for additional fire extinguishing appliances under the discretionary powers of the Fire Commissioner; nor from complying with any lawful order issued with the object of maintaining the building in a safe or lawful condition; nor from complying with any authorized direction to remove encroachments into a public highway or other public place, whether attached to or part of the building or not.

If this certificate is marked "Temporary", it is applicable only to those parts of the building indicated on its face, and certifies to the legal use and occupancy of only such parts of the building; it is subject to all the provisions and conditions applying to a final or permanent certificate; it is not applicable to any building under the jurisdiction of the Housing Division unless it is also approved and endorsed by them, and it must be replaced by a full certificate at the date of expiration.

If this certificate is for an existing building, erected prior to March 14, 1916, it has been duly inspected and it has been found to have been occupied or arranged to be occupied prior to March 14, 1916, as noted on the reverse side, and that on information and belief, since that date there has been no alteration or conversion to a use that changed its classification as defined in the Building Code, or that would necessitate compliance with some special requirement or with the State Labor Law or any other law or ordinance; that there are no notices of violations or orders pending in the Department of Housing and Buildings at this time; that Section 646F of the New York City Charter has been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent, and that, so long as the building is not altered, except by permission of the Borough Superintendent, the existing use and occupancy may be continued.

"§ 646 F. No certificate of occupancy shall be issued for any building, structure, enclosure, place or premises wherein containers for combustibles, chemicals, explosives, inflammables and other dangerous substances, articles, compounds or mixtures are stored, or wherein automatic or other fire alarm systems or fire extinguishing equipment are required by law to be or are installed, until the Fire Commissioner has tested and inspected and has certified his approval in writing of the installation of such containers, systems or equipment to the Superintendent of the borough in which the installation has been made. Such approval shall be recorded on the certificate of occupancy."

Additional copies of this certificate will be furnished to persons having an interest in the building or premises, upon payment of a fee of fifty cents per copy.

RULES

RULES FOR THE TESTING AND USE OF BLENDED CEMENTS

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS, AUGUST 2, 1940. EFFECTIVE, IN ACCORDANCE WITH SECTION 665, SUBDIVISION C, OF THE NEW YORK CITY CHARTER, AUGUST 26, 1940.

(584-39-SR)

Authority:

Pursuant to the Authority vested in the Board of Standards and Appeals by Section 666, paragraph 2, Charter of the City of New York, and C26-189.0, Administrative Building Code (2.2.1.1), and C26-312.0, paragraph c. subdivision 2, Administrative Building Code (7.1.1.7.3) reading: "Nothing herein contained shall be construed to prohibit the use of cements of other types which are approved by the board and are used in accordance with rules of the board governing their use."

1.0 Scope.

1.1 The intent of these rules is to provide a basis for the use of blended cements other than Portland Cement. Subject to the restrictions in the approval of the Board as to each brand, such blended cements may be used as substitutes for Portland Cement on an equivalent weight basis where Portland Cement is permitted.

2.0 Blended Cements.

2.1 Blended cements shall include an intimately interground mixture of approved Portland Cement with natural or artificial products composed of silica and alumina, which shall be mixed with Portland Cement in limited proportions, (except as may be otherwise provided for in the Administrative Code) and which will react in the presence of water to form a hydraulic cement.

2.2 Admixtures to Portland Cement shall have a previous record of satisfactory experience.

2.3 These rules shall not be applicable to harmless materials used as coloring, waterproofing, plaster-cizing, and freezing preventatives when used as admixtures to Portland Cement in quantities not in excess of 1%.

3.0 Manufacture and quality of blended cements.

3.1 A flow sheet in duplicate showing the process of manufacture and blending shall be filed with the Board as part of any application for approval which shall include the origin and the amount of materials used and proof as to quality and uniformity.

4.0 Available supply of raw materials.

4.1 Evidence shall be filed with the Board showing the potential supply of raw material available to the manufacture.

5.0 Fineness.

5.1 The specific surface shall be not less than 1800 sq. cm. per gram, as determined by methods of test described in A.S.T.M. specifications C115-38T.

5.2 The residue shall not exceed 15% by weight on a No. 325 standard sieve.

6.0 Soundness.

6.1 A pat of neat cement of normal consistency shall be subjected to tests for soundness by the methods

outlined in A.S.T.M. specifications C77-36, and when so tested it shall show no signs of distortion, cracking, checking or disintegration when subjected to the steam test, nor shall the expansion of the pat be greater than 5mm, when molded in Le Chatelier tongs and stored in a standard moist closet for 24 hours.

6.2 In addition to these requirements, the expansion of three 1" x 1" x 10" bars of neat cement of normal consistency when subjected to the Autoclave test, A.S.T.M. tentative method, shall not have an expansion in excess of 0.75%.

7.0 Time of set.

7.1 Time of setting shall be determined by test described in A.S.T.M. Specification C77-36, and the mortar so tested shall not develop initial set in less than one hour and final set in more than 10 hours, as tested with Vicat or Gillmore needle.

8.0 Compressive strength for normal blended cements.

8.1 The average compressive strength of five 2-inch mortar cubes composed of one part of blended cement and 2.75 parts graded Ottawa sand by weight shall be not less than the following:

Age at Test	Storage of Cubes	*Compressive Strength
7 days	1 day in moist air, 6 days in water	2200 lbs. sq. in.
28 days	1 day in moist air, 27 days in water	3500 lbs. sq. in.

*When tested in accordance with Fed. Spec. SS-C-158.

8.2 Tensile Strength.

The average tensile strength in lbs. sq. in. of not less than 5 mortar briquets composed of one part cement and 3 parts of Ottawa sand, by weight, shall be equal to or greater than the following:

Age at Test	Storage of Briquets	Tensile Strength Lbs. Sq. In.
3 days	1 day in moist air, 2 days in water	175
7 days	1 day in moist air, 6 days in water	275
28 days	1 day in moist air, 27 days in water	350

The average tensile strength of the mortar at 7 and 28 days shall be higher than that at 3 and 7 days, respectively.

9.0 Blended cements having other properties.

9.1 When approval of the board is requested for the use of Blended Cements having high early strength, sulfate resistance or low heat of hydration, application shall be made to the board for additional tests to develop these properties.

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BULLETIN

OF THE

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BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

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No. 49

DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1000 to 1018.

TELEPHONE—WOrth 2-5600.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.

Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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Minutes of Regular Meeting November 30, 1943, at 2 P. M., Affecting Calendar Numbers 120-42-BZ, 448-43-A, 770-42-A, 115-43-S, 446-43-A, 455-43-A, 525-43-A, 526-43-A, 541-43-A, 542-43-A, 543-43-A, 561-43-A, 568-43-A, 187-35-A, 925-41-S, 1431-39-SA, 1122-39-SM, 492-40-SM and 243-43-SM.

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET

New Cases Filed up to November 30, 1943

Cal. No.	Dept.	Premises Affected
570-43-SA		Keefer Products Company Chemical Feeders, Appliance
571-43-A	F.D.	132-142 West 138th street, south side, 300 ft. east of 7th avenue (Block 2006, Lot 52), Borough of Manhattan, 17271-L.F. and Decision.
572-43-A	F.D.	57-46 Flushing avenue, south side from 59th street to 59th drive, 58-12 59th drive and 59-60 59th street (Block 2649, Lot 113), Maspeth, Borough of Queens, 95772-L.C. and Decision.
573-43-A	F.D.	184-10 Jamaica avenue south side, 411 ft. east of 183rd street (2nd and 3rd floors); (Block 10352, Lots 70 and 71), Hollis, Borough of Queens, Decision.
574-43-A	H.B.B.	2063 78th street, north side, 160 ft. west of 21st avenue (Block 6251, Lot 53), Borough of Brooklyn, B.N. 1025-43
575-43-SA		Coolidge Type Feeder, 5 gallon size, Appliance
576-43-SA		Hydrokleen By Pass Feeder, Appliance.
577-43-A	F.D.	412 Broadway, east side, 60.9 ft. south of Canal street (Block 196, Lot 7), Borough of Manhattan, 19155-L.F. and Decision.
578-43-A	F.D.	93-99 Lafayette street (southerly portion of building), 84.6 ft. north of Franklin street (Block 197, Lot 4), Borough of Manhattan, 34018-L.C. and Decision.

Restored to Calendar

541-32-BZ	H.B.Q.	87-41 130th street, east side, 374.5 ft. south of Jamaica avenue (Block 9338, Lot 79), Richmond Hill, Borough of Queens, Alt. 1027-43.
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DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

RULES

	Last Publication in Bulletin
Blended Cements, Rules for Testing and Use of	Nov. 30, 1943—Vol. 28, No. 48
Carbon Dioxide Liquefier, Rules	June 22, 1943—Vol. 28, No. 23
Certificates of Occupancy, approved form	Nov. 30, 1943—Vol. 28, No. 48
Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Masonry Units, Rules for Manufacture, Testing and Use of	June 24, 1941—Vol. 26, No. 25
Concrete Rules (Hydrated Lime)	Aug. 3, 1937—Vol. 22, No. 31
Elevator Rules	Mar. 3, 1936—Vol. 21, No. 9

Last Publication in Bulletin

Erection, Alteration, Repair, Excavation for and Demolition of Buildings	Nov. 23, 1943—Vol. 28, No. 47
Exit Rules (Revolving Doors)	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules	Oct. 5, 1943—Vol. 28, No. 40
Fire Alarm Rules (Interior)	June 8, 1943—Vol. 28, No. 23
Fire Drill Rules	Sept. 14, 1943—Vol. 28, No. 37
Fire-resistant, Flameproof Materials, etc., Rules for Testing of	Nov. 2, 1943—Vol. 28, No. 44
Fire Retarding Rules for Garages, etc.	Dec. 16, 1941—Vol. 26, No. 50
Fireproof Wood, Testing of	Apr. 13, 1937—Vol. 22, No. 15
Frame Garages, Ruling for	Jan. 21, 1919—Vol. 4, No. 3
Fusion Welding and Gas Cutting Rules	Apr. 27, 1943—Vol. 28, No. 17
Gas Shut-Off Rules	Apr. 7, 1925—Vol. 10, No. 14
Hatchway Protection	June 5, 1928—Vol. 13, No. 23
Insulating Fibre Board Rules	Mar. 23, 1943—Vol. 28, No. 12
Oil Burner Rules	Oct. 26, 1943—Vol. 28, No. 43
Opening Protective Assemblies, Rules for Inspection of	Oct. 26, 1943—Vol. 28, No. 43
Paint, Varnish and Lacquer Spraying Rules	Oct. 12, 1943—Vol. 28, No. 41
Platform Trucks, Specifications for	Nov. 24, 1936—Vol. 21, No. 47
Plumbing Rules	Aug. 3, 1937—Vol. 22, No. 31
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Structural Alterations, Reporting	June 7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc.	Nov. 24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.	Nov. 24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr. 10, 1923—Vol. 8, No. 15

Approved appliances and materials are printed in the Supplement to the Bulletin of June 8 1943, Vol. 28, No. 23A.

DECEMBER 7, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, December 7, 1943, at 10 o'clock in Room 1013 Municipal Building, Manhattan, on the following matters:

Zoning Applications.

177-42-BZ—Application of Lama and Proskauer, applicants, on behalf of John F. McKenna, owner, reopened October 27, 1942, under section 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building; to be used as stores, bowling alleys and skating rink. Also, the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution; 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

304-24-BZ—Application of Koch and Wagner, applicants, on behalf of E. J. K. Corporation, owner, reopening October 13, 1943, under section 7c of the zoning resolution, to permit partly in a residence use and partly in an unrestricted use district, the conversion of occupancy of an existing building from a public garage to a factory. (The garage was previously granted by the Board); premises 102-112 Montgomery street, south side, 91 ft. 6 in. east of Washington avenue (Block 1192, Lot 30), Borough of Brooklyn.

1167-40-BZ—Application, December 11, 1940, amended November 15, 1943, under sections 7c and 21 of the zoning resolution, of Richard W. Hogue, Jr., applicant, on behalf of Iris Miller, owner, to permit partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building from

CALENDAR

showroom and garage to bottling and storage of wines; premises 50-04 Queens boulevard, south side, 40 ft. east of 50th street and 45-15 50th street (Block 2283, Lot 22), Woodside, Borough of Queens.

339-37-BZ—Application of Lawrence S. La Rosa, applicant, on behalf of Sarah Lyons, owner, reopened November 16, 1943, for consideration as to extension of permit—Application, previously granted on condition, under section 21 of the zoning resolution, permitting in a business use district, the conversion of occupancy of a building occupied as garage for five motor vehicles, stores, club rooms and offices, so as to use the garage portion as a garage for more than five motor vehicles and motor vehicle repair shop; premises 635-637 Morris Park avenue, west side, 35.9 ft. south of Unionport road (Block 4011, Lot 23), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 7, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, December 7, 1943, at 2 o'clock in Room 1013 Municipal Building, Manhattan, on the following matters:*

Appeals from Administrative Decisions

592-42-S—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

593-42-A—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

460-43-S—984-986 Grand street, south side, 200 ft. 0 $\frac{3}{8}$ in. west of Morgan avenue and 357-359 Maujer street (Block 3019, Lot 33), Borough of Brooklyn.

516-43-A—57-46 Flushing avenue, 58-12 59th drive, 59-05 60th avenue and 59-83 59th street, east side, 214 ft. 10 in. south of 59th drive (Block 2649, Lots 113 and 135 and Block 2653, Lot 5), Maspeth, Borough of Queens (under section 35, General City Law re bed of mapped street—59th street).

524-43-A—793-801 Second avenue and 250 East 43rd street, southwest corner (10th floor); (Block 1316, Lots 27, 28, 28 $\frac{1}{2}$, 29 and 30), Borough of Manhattan.

405-43-A—40-30 162nd street, west side, 78 ft. north of Lucerne place (Block 991, Lot 4), Flushing, Borough of Queens.

469-43-S—21-10 49th avenue, southeast corner of 21st street (3rd and 4th floors); (Block 71, Lot 1), Long Island City, Borough of Queens.

546-43-A—297 Dean street, north side, 100 ft. west of Third avenue (Block 191, Lot 41), Borough of Brooklyn.

579-43-A—421 Eastern boulevard, northwest corner of East 144th street (Block 2601 Lot 67), Borough of The Bronx.

473-43-S—52-54 Sands street and 131-147 Adams street, southeast corner (2nd floor); (Block 86, Lot 7), Borough of Brooklyn.

433-43-A—387-393 Fourth avenue and 101-113 East 27th street, northeast corner (basement and 1st floor); (Block 883, Lot 1), Borough of Manhattan.

580-43-A—12-16 Vestry street, north side, 138 ft. 10 $\frac{1}{4}$ in. east of Hudson street (7th floor); (Block 221, Lot 35), Borough of Manhattan.

581-43-A—182-200 Hudson street and 18-26 Vestry street, northeast corner (7th floor); (Block 221, Lot 30), Borough of Manhattan.

485-43-A—289-291 Eighth avenue, west side, 82 ft. 2 in. north of West 24th street (Block 748, Lots 41 and 42), Borough of Manhattan.

462-43-S—740 East 211th street, south side, 106.44 ft. east of Holland avenue (Block 4659, Lot 13), Borough of The Bronx.

Appliance for Approval

61-43-SA—Sargent and Greenleaf Fire Exit Panic Locks, Models 5300, 5300-C, 5300-X2545, 5400, 5400-X2545 and 5300-J, 5300-JC, 5300-JX2545J, 5400-J, 5400-JX2545J.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 14, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 14, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:*

Zoning Applications

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

795-40-BZ—Application of John J. Gilmartin, applicant, on behalf of John Primavera, owner, reopened November 23, 1943, for consideration as to extension of term of permit—Application, previously granted on condition, under section 7h of the zoning resolution, permitting for a temporary term of two years, partly in a local retail use and partly in a residence use district, the parking and storage of more than five motor vehicles; premises 546-548 Ralph avenue, west side, 107 ft. 9 $\frac{1}{2}$ in. north of St. John's place (Block 1381, Lot 44), Borough of Brooklyn.

207-31-BZ—Application of Henry Nordheim, applicant, on behalf of Emily A. Steenken, owner, reopened November 23, 1943, under sections 7c, 7i and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of a building from gasoline service station, garage for five motor vehicles and brake service to non-storage garage for five motor vehicles, motor vehicle repair shop and used car sales; premises 1146-1148 Southern boulevard, east side, 225 ft. north of East 167th street (Block 2745, Lot 11), Borough of The Bronx.

297-34-BZ—Application of Lama and Proskauer, applicants, on behalf of Anne Cosden, owner, reopened January 6, 1942, under section 7f of the zoning resolution, to permit in a business use district, for a term of years, the erection and maintenance of a gasoline service station with the accessory uses of auto laundry, lubritorium and office (the use of the premises as a gasoline service station was previously denied under section 21 of the zoning resolution); premises 2705-2715 Nostrand avenue, east side, 360 ft. north of Avenue N (Block 7666, Lot 25), Borough of Brooklyn.

CALENDAR

Appeal from Administrative Decision.

361-43-A—16 Central avenue, west side, 134.62 ft. south of Hyatt street (Block 6, Lot 75), St. George, Borough of Richmond.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 14, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, December 14, 1943 at 2 o'clock* in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions.

28-35-A—601-649 West 26th street, 600-652 West 27th street, 200-214 13th avenue and 245-259 11th avenue (Block 672, Lot 1), Borough of Manhattan (reopened November 9, 1943).

550-43-A—Blocks bounded by Prince street, Park avenue, Carlton avenue and Myrtle avenue; 1-60 Fleet Walk, 330-342 Hudson Walk, 8-110 Monument Walk, 85-162 Navy Walk, 36-88 St. Edwards street, 145-161 North Elliott Walk, 287 Myrtle avenue, 14-32 Auburn place, 81-149 North Portland avenue, 56-151 North Oxford Walk, 68-138 Cumberland Walk, 135-140 Washington Walk and 60-131 Carlton avenue (Blocks 2041, 2042, 2043, 135, 136, 137 and super Blocks 1 and 2), Borough of Brooklyn.

Materials for Approval.

477-43-SM—Flameproof M Flameproofing Compound.

547-43-SM—Albi Flameproof Compound K and Albi Flameproof Compound X.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 21, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 21, 1943 at 10 o'clock* in Room 1013 Municipal Building, Manhattan, on the following matters:

Zoning Applications.

222-43-BZ—Application, May 11, 1943, under section 7h of the zoning resolution, of Arthur Weiser, applicant, on behalf of Bijou Realty Corporation, owner, to permit ~~partly~~ in a residence use and partly in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises west side of Riverdale avenue, 157.01 ft. north of West 232nd street (Block 3409E, Lot 374), Borough of The Bronx.

567-43-BZ—Application, November 20, 1943, under section 7c of the zoning resolution, of Fred Liese, applicant, on behalf of Gottscheer Central Holding Co., Inc., owner, to permit partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building to restaurant, meeting rooms, cabaret and dancing and, also, the maintenance of five individual garages; premises 657 Fairview avenue, north side, 77 ft. 3½ in. east of Linden street (Block 3485, Lot 1), Ridgewood, Borough of Queens.

Appeal from Administrative Decision

399-43-A—2531-2539 Broadway, west side, from West 94th street to West 95th street and 250-254 West 95th street (Block 1242, Lots 55 and 10), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, NOVEMBER 30, 1943

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy.

The minutes of the regular meetings of the Board held Tuesday morning, November 23, 1943, and Tuesday afternoon, November 23, 1943, were approved as printed in Bulletin No. 48, Volume 28.

ZONING CASES

541-32-BZ

APPLICANT—Alfred H. Eccles, for J. D. Dawkins, owner.

SUBJECT—Application for consideration—reopening as to new proposal—re Application (decision of the commissioner of buildings) to permit in a residence use district the conversion of occupancy from a sales-room, repair shop and service station to a factory, previously granted by the Board under section 21 of the zoning resolution.

PREMISES AFFECTED—87-41 130th street (Block 9338, Lot 79), Richmond Hill, Borough of Queens.

APPEARANCES—

For Applicant: Alfred H. Eccles.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and restored to the calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

69-42-BZ

APPLICANT—Bernard Mayer Estate, Inc., owner.

SUBJECT—Application for withdrawal—re Application (decision of the borough superintendent) under sections 7g and 21 of the zoning resolution, to permit in an unrestricted use district, for a term of years, the conversion of occupancy of a building to a garage for more than five motor vehicles; the said building is located on a street between two intersecting streets on which portion there exists an exit from a public school.

PREMISES AFFECTED—514-516 West 58th street, south side, 175 ft. west of 10th avenue and 517-519 West 57th street (Block 1086, Lot 24), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application withdrawn on written request of owner.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

MINUTES

1051-27-BZ

APPLICANT—Lama and Proskauer, for Rutland Parkway, Inc., owner (Sinclair Oil Refining Co., lessee).

SUBJECT—Application reopened December 1, 1942, (decision of the borough superintendent) under sections 7c and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of an auto laundry (located upon an existing gasoline service station) to a motor vehicle repair shop and, also, the inclusion of parking and storage of more than five motor vehicles.

PREMISES AFFECTED—724-740 Ralph avenue and 81-101 East 98th street, northwest corner (Block 3530, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama and Nicholas L. Stuller.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (1051-27-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in business use district, the erection and maintenance of a gasoline service station, affecting premises 724-740 Ralph avenue and 81-101 East 98th street, northwest corner (Block 3530, Lot 1), Borough of Brooklyn, was granted by the Board on March 6, 1928, on certain conditions and the resolution amended on February 16, 1932; and

WHEREAS, the applicant requested a further amendment of the resolution, to permit under section 7c and 21 of the zoning resolution, the inclusion of parking and storage of more than five motor vehicles and minor motor vehicle repairs; and

WHEREAS, this case was reopened on December 1, 1942 and restored to the calendar, subject to usual procedure; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting held November 30, 1943, after due notice by publication in the Bulletin of the Board; and

WHEREAS, the use district maps accompanying the zoning resolution show that Ralph avenue is in a business use district; East 98th street is in a business use district and Sutter avenue is in a business use district; and

WHEREAS, the decision of the borough superintendent dated November 18, 1942, and amended September 9, 1943, on B. N. Applic. 1501-43, reads:

"1. The inclusion of parking and storage of more than five motor vehicles and auto repair shop to the uses of gasoline selling station, auto laundry, and lubritorium previously granted on these premises located in a business use district by the Board of Standards and Appeals under B. Z. 1051-27 is contrary to the Zoning Resolution, Sec. 4, and also contrary to the resolution of Cal. 1051-27-BZ."

and

WHEREAS, the applicant states that the premises consist of an irregular shaped plot of ground having a frontage of 168 ft. on Ralph avenue; 193 ft. on East 98th street and a distance of 94 ft. along the northerly lot line; that upon the plot there is located a one story office, an auto laundry and lubritorium building and also the tanks and pumps for a gasoline service station—previously granted by the Board; that it is proposed to convert the occupancy of the existing auto laundry building (19 ft. by 60 ft. in area) to a motor vehicle repair shop and to include parking and storage of more than five motor vehicles upon the plot and to continue the lubritorium and gasoline service station use.

Resolved, that the Board of Standards and Appeals does

hereby amend the resolution adopted March 6, 1928, as amended on February 16, 1932, so that as amended, the resolution shall read:

"Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is granted on condition that there shall be one building, not exceeding an area of 15 ft. by 20 ft., located substantially in the center of the plot used for the accommodation of the patrons and office of the premises; that the exterior of this building shall be finished with light color enamel brick; that the roof shall be finished with roofing tile of Spanish type or variegated slate; that any grease racks and crankcase service or auto laundry service shall be housed in one-story masonry structures of substantially the same architecture and design as the office permitted on the premises; that the structure housing the grease racks shall have but two entrances, one on Ralph avenue, the other entrance on the property itself; that the operation of gasoline service supply shall be conducted from the interior of the plot only; that there shall be a concrete curbing not less than 18 in. in height installed at the building line on both street fronts, other than the space required for vehicular entrance and exit; that any advertising displayed shall be confined to the glass globes of the gasoline pumps.

Resolved further, that the servicing building as hereinabove permitted, erected toward the northerly end of the plot, may be occupied for motor vehicle repairing, provided no repairing is done on the premises, except within such building; that such repairing shall be by hand tools only; that no forge or anvil shall be used on the premises; that such portable fire fighting appliances shall be maintained as the fire commissioner shall direct; that no heavy body work shall be carried on; that the building shall not be increased in height or area and shall not exceed 19 ft. in width as shown, with the existing greasing racks, under the adjoining exterior enclosure as shown on plans marked 'Received November 30, 1943', that the permission to add this additional use, is conditioned upon the premises being rearranged as indicated on revised plans marked 'Received November 30, 1943', showing all gasoline pumps relocated so as to be not nearer than 10 ft. to any building line and the curb cuts along East 98th street and Ralph avenue, relocated so as to provide two curb cuts 25 ft. in width each, and one curb cut 30 ft. in width on East 98th street and three curb cuts each 30 ft. in width along Ralph avenue, and with a block of concrete constructed at the intersection of Ralph avenue and East 98th street, not less than 1 ft. in height; that the concrete curbing hereinabove required to be erected on the building line, may be omitted provided, the curb cuts and restoration of curb and other changes are carried out in accordance with this plan marked 'Received November 30, 1943'; that all advertising signs not herein permitted shall be removed, except that there may be erected within the building line near the intersection, a post standard for supporting a sign which may be illuminated, advertising only the brand of gasoline on sale and permitting such sign to extend beyond the building line for a distance of not more than 4 ft. and permitting a sign attached to the accessory building at the rear, advertising the motor vehicle repairing work, provided such sign is not illuminated and is attached to the building and does not exceed 10 sq. ft. in area; that parking and storage of motor vehicles not exceeding ten (10) may also be permitted, provided such motor vehicles are parked or stored as indicated in space as indicated on plan marked 'Received November 30, 1943' north of the accessory office building; that only motor vehicles of the pleasure car type shall be so stored or parked; that all permits shall be obtained and all work completed within one (1) year from the date of this amended resolution."

MINUTES

347-43-BZ

APPLICANT—J. Nelson Cooper, for Bertha Hagens, owner.

SUBJECT—Application (decision of the acting borough superintendent) under section 21 of the zoning resolution, to permit in a residence use and also a "D" area district, the erection of an extension to a commercial building; also, the proposed extension does not comply with the area or rear yard requirements of the zoning resolution.

PREMISES AFFECTED—67-45 Alderton street, east side, 406.08 ft. north of Yellowstone boulevard (Block 3150, Lot 22), Forest Hills, Borough of Queens.

APPEARANCES—

For Applicant: J. Nelson Cooper.

For Opposition: Reginald Ettlinger, Arnold O. Charters, Margaret De Paolo, Alfred B. O'Hara, Charles E. Jardinier, and others.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Negative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Affirmative 0

THE RESOLUTION (347-43-BZ)

WHEREAS, J. Nelson Cooper, for Bertha Hagens, owner, filed July 8, 1943, an application under section 21 of the zoning resolution, to permit in a residence use and also a "D" area district, the erection of an extension to a commercial building; also, the proposed extension does not comply with the area or rear yard requirements of the zone resolution; premises 67-45 Alderton street, east side, 406.08 ft. north of Yellowstone boulevard (Block 3150, Lot 22), Forest Hills, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, November 30, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that Alderton street is in a residence and business use and also "D" area district; Yellowstone boulevard is in a business use and also "D" area district and 167th drive is in a residence use and also "D" area district; and

WHEREAS, the decision of the borough superintendent on Alt. Applic. 814-43, dated July 7, 1943, reads:

"1. The extension of a commercial building on a plot located in a residence zone, is contrary to Article 2, Section 3 of the Zoning Law.

2. The percentages of area of the lot, it is proposed to occupy, is excessive for a plot located in a residence "D" district (Sec. 14-c — Zoning Law).

3. The proposed extension encroaches on the required rear yard of the plot (Sec. 14a and 17a — Zoning Law)."

and

WHEREAS, the applicant states that the premises consist of a plot of ground having a frontage of 80 ft. and a depth of 120 ft.; that upon the Alderton street front of the plot there is located a one story, fireproof building 50 ft. by 74 ft. in area; occupied as a furniture storage warehouse and also a one story building, 20 ft. by 50 ft. in area; occupied as a two (2) car garage (moving vans); that it is proposed to erect upon the rear portion of the plot, a one story fireproof extension to the existing furniture storage warehouse; that the proposed extension has a distance of 74 ft. along the rear lot line; 46 ft. along the southerly lot line and 70 ft. along the northerly lot line; that the rear portion of the proposed extension covers the required 20 ft. deep rear yard and also, the development of the plot, as proposed, covers an area of 8,800 sq. ft. instead of the permissible 5,760 sq. ft. (which is 60 per cent of the area of the

plot—the maximum usable area permitted by the zone resolution); and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that the applicant had failed to substantiate his basis of appeal under section 21 of the zoning resolution and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the borough superintendent on Alt. Applic. 814-43, be and it hereby is *affirmed* and that the application be and it hereby is *denied*.

539-43-BZ

APPLICANT—William C. Stohldreier and Robert G. Zetsche, for Carlton R. Valentine and Estate of August E. Eggert (Alma M. Lackas, Wilhelmina Schussler and Augusta E. Feuerstein, executrices), owners (Angold Garage Corporation, lessee).

SUBJECT—Application (decision of the acting borough superintendent) under section 7e of the zoning resolution, to permit in a residence use district, the conversion of occupancy of an existing garage for more than five motor vehicles to a testing laboratory, storage use and also, garage for more than five motor vehicles.

PREMISES AFFECTED—4748-4756 Bronx boulevard and 600 East 242nd street, southeast corner (Block 5103, Lots 37 to 42, inclusive), Borough of The Bronx.

APPEARANCES—

For Applicant: William C. Stohldreier, Robert G. Zetsche and Leonard Kebler.

For Opposition: Phyllis Horne, Pauline Decker, Mrs. Claussen and others.

For Administration: Fred Dahlem, Dep't of Housing and Buildings and William T. Winder, Dep't of Health.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (539-43-BZ)

WHEREAS, William C. Stohldreier and Robert G. Zetsche, for Carlton R. Valentine and Estate of August E. Eggert, owners, (Angold Garage Corporation, lessee), filed November 9, 1943, an application under Section 7e of the zoning resolution, to permit in a residence use district, the conversion of occupancy of an existing garage for more than five motor vehicles to a testing laboratory, storage use and also, garage for more than five motor vehicles; premises 4748-4756 Bronx boulevard and 600 East 242nd street, southeast corner (Block 5103, Lots 37 to 42 inclusive), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, November 30, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that Bronx boulevard is in a residence use district; Carpenter avenue is in a residence use district; East 242nd street is in a residence and unrestricted use district and East 241st street is in a residence use district; and

WHEREAS, the decision of the borough superintendent on Alt. Applic. 388-43, dated October 20, 1943, reads:

"1. Existing garage building within a residential use district may not have the occupancy thereof changed to garage and testing laboratory, same being contrary to Sections 3 and 6 of Zoning Resolution."

and

WHEREAS, the applicant states that the existing building one story in height, with a frontage of 200 ft. 3 in. on Bronx

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boulevard and 85 ft. 6 in. on East 242nd street; of Class 3 construction and that it is proposed to convert the occupancy of the existing building from a garage for more than five (5) motor vehicles to a testing laboratory, storage use and also garage for more than five motor vehicles and proposes to continue this use for a temporary period; and

WHEREAS, the applicant has changed the basis of his application from section 21 to section 7e; and

WHEREAS, these premises and the surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that this was a proper case in which to exercise discretion to grant under section 7, subdivision e, of the zone resolution.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulations of the zoning resolution and that the application be and it hereby is granted under section 7e thereof, to permit the existing building to be occupied as proposed for a term of two (2) years, without prejudice to the reestablishment of the garage use as now permitted, upon the expiration thereof; on condition that no structural changes shall be made to the exterior of the building and no interior structural changes shall be made except as proposed; that such interior structural changes shall be removed upon the expiration of this term; that any gasoline pump or tank not located within the area proposed to be used for garage purposes shall be temporarily sealed to the satisfaction of the fire commissioner; that such portable fire fighting appliances shall be maintained as the fire commissioner shall direct; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto during such temporary term; that all permits shall be obtained and all work completed within three (3) months from the date of this resolution.

361-37-BZ

APPLICANT—Samuels and Samuels, for Katherine S. Robertson, et al and Jennie Cohen, owners (Joseph D. Donohue, lessee).

SUBJECT—Application for consideration—reopening and extension of permit. Application (decision of the borough superintendent) granted on condition under section 7h of the zoning resolution, permitting in a business use district for a term of years the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—91-01 to 91-19 Roosevelt avenue, north side, from 91st street to 92nd street, 37-59 to 37-67 91st street and 37-62 to 37-70 92nd street (Block 1479, Lots 38, 45 and 48), Jackson Heights, Borough of Queens.

APPEARANCES—

For Applicant: Archie Samuels.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (361-37-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 91-01 to 91-19 Roosevelt avenue, north side, from 91st street to 92nd street, 37-59 to 37-67 91st street and 37-62 to 37-70 92nd street (Block 1479, Lots 38, 45 and 48), Jackson Heights, Borough of Queens was granted by the Board on November 12, 1941, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of November 12, 1941, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h for a term of two (2) years from the date of this amended resolution, to permit the premises to be occupied for the parking and storage of more than five (5) motor vehicles, etc."

1308-39-BZ

APPLICANT—Louis Tiseo (lessee), for Manufacturers Trust Company, as trustee, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting in a business use district, for a term of two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—32-14 31st street, west side, 130 ft. south of Broadway (Block 587, Lot 43), Astoria, Borough of Queens.

APPEARANCES—

For Applicant: Alfred Ekelman.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (1308-39-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting in a business use district for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 32-14 31st street, west side, 130 ft. south of Broadway (Block 587, Lot 43), Astoria, Borough of Queens, was granted by the Board on December 2, 1941, on certain conditions, resolution amended on October 14, 1942 and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted December 2, 1941, as amended through October 14, 1942, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"Granted under section 7h for a term of two (2) years from the date of this amended resolution, to permit, . . ."

542-41-BZ

APPLICANT—Italo Nicolai, for Dominick Russo, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete—re Application (decision of the acting borough superintendent) granted under section 7f of the zoning resolution, permitting, partly in a business use and partly in a residence use district, the extension of an existing motor vehicle repair shop.

PREMISES AFFECTED—936 Richmond avenue, west side, 143.41 ft. south of Forest avenue (Block 1706, Lots 39 and 36), Port Richmond, Borough of Richmond.

APPEARANCES—

For Applicant: Italo Nicolai.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (542-41-BZ)

WHEREAS, this application under section 7f of the zoning resolution, permitting partly in a business use district and

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partly in a residence use district, the extension of an existing motor vehicle repair shop, affecting premises 936 Richmond avenue, west side, 143.41 ft. south of Forest avenue (Block 1706, Lots 39 and 36), Port Richmond, Borough of Richmond, was granted by the Board on September 29, 1942, on certain conditions and the applicant requested an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of September 29, 1942, only in so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that all permits shall be obtained and all work completed within one (1) year from the date of this *amended* resolution."

243-42-BZ

APPLICANT—Brown, Overend & Vogel, for La Belle Service Station, Inc., owner.

SUBJECT—Application for consideration — reopening, amendment of resolution and extension of time to complete—re Application (decision of the borough superintendent) previously granted on condition under section 21 of the zoning resolution, to permit in an unrestricted use district, the erection and maintenance of a gasoline service station having exits and entrances within 200 feet of entrances or exits of a public school.

PREMISES AFFECTED—291-301 Metropolitan avenue, northwest corner of Roebling street (Block 2353, Lot 13), Borough of Brooklyn.

APPEARANCES—

For Applicant: William S. Overend.

For Administration: Fred Dahlem, Dep't. of Housing and Buildings.

ACTION OF BOARD—Application reopened, resolution amended and time extended.

THE VOTE TO REOPEN, AMEND RESOLUTION AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (243-42-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in an unrestricted use district, the erection and maintenance of a gasoline service station having exits and entrances within 200 feet of entrances or exits of a public school, affecting premises 291-301 Metropolitan avenue, northwest corner of Roebling street (Block 2353, Lot 13), Borough of Brooklyn, was granted by the Board on May 11, 1943, on certain conditions and the applicant requested an amendment of the resolution and extension of time to complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of May 11, 1943 so that as amended, the resolution shall read:

"*Resolved*, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution and that the application be and it hereby is *granted*, in accordance with the report of the Committee, except that the fence as proposed in the Report of Committee shall be constructed as proposed or may be constructed of the alternate design as indicated on revised plans marked 'Received November 29, 1943' on condition that such fence shall be completed within four (4) months from the date of this *amended* resolution."

32-43-BZ

APPLICANT—Leon E. Borden, for Victor Breitfeller, owner.

SUBJECT—Application for consideration—Reopening and extension of time to complete—re Application (de-

cision of the borough superintendent) granted on condition under section 7h of the zoning resolution, permitting partly in a business use and partly in a residence use district, for a term of two years, the parking of more than five motor vehicles to be used (without charge) by the employees of an aircraft plant in the vicinity.

PREMISES AFFECTED—187-29 to 187-41 Jamaica avenue, north side, 100 ft. east of 187th place, 91-21 187th place and 91-22 to 91-32 188th street, northwest corner of Jamaica avenue (Block 9910, Lot 1), Hollis, Borough of Queens.

APPEARANCES—

For Applicant: Leon E. Borden, Joseph F. Miller, Mr. Dowling and Edmund A. Stephen.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (32-43-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting partly in a business use and partly in a residence use district, for a term of two years, the parking of more than five motor vehicles to be used (without charge) by the employees of an aircraft plant in the vicinity, affecting premises 187-29 to 187-41 Jamaica avenue, north side, 100 ft. east of 187th place, 91-21 187th place and 91-22 to 91-32 188th street, northwest corner of Jamaica avenue (Block 9910, Lot 1), Hollis, Borough of Queens, was granted by the Board on May 25, 1943, on certain conditions, time extended on September 28, 1943, to obtain permits and complete the work and the applicant requested a further extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted May 25, 1943, as amended on September 28, 1943, only so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that all permits required shall be obtained and all work completed within six (6) months from the date of this *amended* resolution."

APPEAL FROM ADMINISTRATIVE DECISION

573-43-S

APPLICANT—Ranger Aircraft Engines, lessee, for Defense Plant Corporation, owner.

SUBJECT—Variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—184-10 Jamaica avenue, south side, 411 ft. east of 183rd street (parts of 2nd and 3rd floors); (Block 10352, Lots 70 and 71), Hollis, Borough of Queens.

APPEARANCES—

For Applicant: Franklyn H. George.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (573-43-S)

WHEREAS, Ranger Aircraft Engines, lessee, for Defense Plant Corporation, owner, filed on November 29, 1943, an application for variation of the requirements of the Labor

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Law as cited in a decision of the fire commissioner, affecting premises 184-10 Jamaica avenue, south side, 411 ft. east of 183rd street (parts of 2nd and part of 3rd floors); (Block 10352, Lots 70 and 71), Hollis, Borough of Queens; and

WHEREAS, the decision of the fire commissioner dated November 5, 1943, reads:

"In response to your letter of November 3rd requesting permission for your employees to smoke in your premises you will please be advised that your application must be denied for the reason that smoking is prohibited in your plant by the provisions of the Labor Law and the rules of the Board of Standards and Appeals."

and

WHEREAS, the applicant states the building is three stories; (48 ft.) in height, 125 ft. by 240 ft. in area; of Class 1 construction; erected 1920; located in an unrestricted use district and used as follows: Cellar, manufacturing airplane engines, 12 persons; 1st floor, inspection and storage, 150 persons; 2nd floor cafeteria and offices, 528 persons; 3rd floor, manufacturing airplane engines and offices, 275 persons; that the building is equipped with a two source sprinkler system, a standpipe system and three fireproof 60 in. wide stairs; that Certificate of Occupancy Q29835 issued September 17, 1943, permits the use of the building as follows: basement, storage, no persons; 1st floor, inspection and storage, 150 persons; 2nd floor, cafeteria, 528 persons, and offices 42 persons; 3rd floor, offices and factory, 275 persons; and

WHEREAS, the applicant contends that in addition to the building being fireproof construction, the building is equipped with a two source approved sprinkler system, 4 in. standpipe system, portable fire extinguishers, one for each 2,500 sq. ft.; that both of the areas where it is proposed to allow smoking are separated from the balance of the building with fireproof walls with openings therein protected by fire doors; that each of the areas in question has four approved exits; that proper receptacles in sufficient numbers will be provided for the safe disposal of discarded cigarettes and matches; that all portions of the building are constantly patrolled by guards who will control smoking in the area, reducing to a minimum the possibility of fire due to smoking; and

WHEREAS, the applicant has filed a recommendation of the Army Air Force representative, stating that it will be agreeable for employees to smoke in the cafeteria and office portions in the building during the lunch hour and designated rest periods, on condition that such smoking be constantly supervised and controlled by at least one member of the guard force and that at close of such smoking periods the guard assigned shall thoroughly police the smoking area in order to eliminate any potential hazard brought about as a result of such smoking.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the Labor Law as cited in a decision of the fire commissioner dated November 5, 1943 and the Rules of the Board of Standards and Appeals, relating to smoking in factories, and that the appeal be and it hereby is granted so as to permit smoking to be conducted during the term of the present emergency only in the spaces as indicated on plans filed with this appeal, marked received "November 29, 1943" in the second floor cafeteria and third floor general offices, on condition that such smoking, in these areas shall be maintained in accordance with the recommendation of the representative of the Army Air Force as above set forth; that such smoking shall be conducted to the satisfaction of the fire commissioner.

Adjourned: 12:30 P.M.

JOSEPH J. DOYLE, Chief Clerk.

REGULAR MEETING

TUESDAY AFTERNOON, NOVEMBER 30, 1943

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy.

ZONING CASE

120-42-BZ

APPLICANT—Randolph H. Almiroty, for The Salvation Army, owner.

SUBJECT—Application for consideration—Reopening and extension of time to complete—Application (decision of the borough superintendent) previously granted on condition, under section 7c of the zoning resolution, permitting in a business use district, the conversion of occupancy of an existing building to paper sorting and baling and, also for factory use covering more than the permissive 25% of the total floor area.

PREMISES AFFECTED—2-22 Quincy street and 1-9 Downing street, southeast corner (Block 1972, part of Lot 2), Borough of Brooklyn.

APPEARANCES—

For Applicant: Randolph H. Almiroty.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioner

Blum and Deputy Chief Murphy..... 3

Negative 0

Not Voting: Commissioner Savage..... 1

THE RESOLUTION (120-42-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting in a business use district, the conversion of occupancy of an existing building to paper sorting and baling and, also for factory use covering more than the permissible 25% of the total floor area, affecting premises 2-22 Quincy street and 1-9 Downing street, southeast corner (Block 1972, part of Lot 2), Borough of Brooklyn, was granted by the Board on April 28, 1942, on certain conditions, time extended on April 13, 1943 and the applicant requested a further extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted by the Board on April 28, 1942, as amended on April 13, 1943, only in so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

"that in view of statement by applicant that the work is partially completed and is delayed because of difficulty in obtaining priorities for the materials necessary to complete the work, including the existing thermostatic alarm system, that all permits shall be obtained and all work completed within six months from the date of this amended resolution, provided the requirements of the resolution adopted this day by the Board under Cal. 446-43-A are complied with."

APPEALS FROM ADMINISTRATIVE DECISIONS

448-43-A

APPLICANT—Max Siegel, for 260 Norman Avenue Corporation, owner (Norman Cleaners and Dyers, Inc., lessee).

SUBJECT—Appeal from a decision re an order of the fire commissioner.

PREMISES AFFECTED—307-313 Kingsland avenue, west side, 135 ft. south of Norman avenue (Block 2657, Lot 13), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

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THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

770-42-A

APPLICANT—Harold Wyman, for Minnesota Mining and Manufacturing Co., owner.

SUBJECT—Application reopened November 9, 1943—Appeal from a decision of the fire commissioner re packaging and distribution of inflammable mixtures known as "3-M Furniture Cleaner and Polish" and "Scotchlite Adhesive" in one-pint, one-quart, one-half-gallon and one-gallon glass containers (capacity of glass containers not in conformity with Administrative Code requirements).

APPEARANCES—

For Applicant: Harold Wyman.
For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (770-42-A)

WHEREAS, this appeal from a decision of the fire commissioner, relative to packaging, storage and distribution of combustible mixture known as "3M Wax Finish" in one-gallon glass bottles, was granted by the Board on February 16, 1943 on certain conditions, resolution amended on July 13, 1943 and the applicant requested a further amendment of the resolution to include permission for the packaging of the inflammable mixtures known as "3M Furniture Cleaner and Polish" and "Scotchlite Adhesive" in glass containers in pint, quart, one-half and one-gallon sizes; and

WHEREAS, this case was reopened by vote of the Board on November 9, 1943, subject to usual procedure; and

WHEREAS, the decision of the fire commissioner dated October 19, 1943 reads:

"Acknowledge receipt of your letter of the 18th inst. and please be advised that your request for permission to pack and ship the inflammable mixtures known as "3-M Furniture Cleaner and Polish" and "Scotchlite Adhesive" is hereby denied as per Section C19-59.0.C of the Administrative Code of the City of New York."

and

WHEREAS, the applicant contends that 3-M Furniture Cleaner and Polish and Scotchlite Adhesive have been approved by the Fire Department under Certificate of Approval 933 and that the containers, packaging and all other conditions surrounding this appeal are identical with those previously approved by the Board in its resolution adopted February 16, 1943 and amended July 13, 1943.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted February 16, 1943, as amended by resolution adopted July 13, 1943, so that as amended the resolution shall read:

"that the decisions of the fire commissioner dated October 30, 1942 and October 19, 1943, be and they hereby are modified and that the appeal be and it hereby is granted, to permit the preparations known as 3-M Wax Finish with a flashpoint of approximately 136° F., 3-M Rapid Drying Floor Sealer with a flashpoint of approximately 134° F. and 3-M Buffing Polish with a flashpoint not below 200° F., and 3-M Scotchlite Adhesive with a flashpoint of not under 70° F., to be marketed in glass jugs as proposed with a capacity of approximately one gallon, except that the Scotchlite Adhesive shall be packaged in glass jugs not exceeding one quart, on condition that such jugs shall bear the labels required by the Administrative Code and shall be worded to the satisfaction of the fire commissioner;

that this variance shall be for a term of six (6) months from the date of this amended resolution, subject to renewal on application to the Board, pending action by the Board on a test of glass jugs of various sizes as filed by the Anchor Hocking Corporation, whose glass bottles are used for packaging these materials; and ~~withdrawn~~ as to 3-M Furniture Cleaner and Polish."

115-43-S

APPLICANT—Ansley Radio Corporation (lessee), for Schulte Real Estate Co., Inc., owner.

SUBJECT—Application reopened September 14, 1943 re amendment of resolution—variation of the Labor Law as cited in decisions of the borough superintendent.

PREMISES AFFECTED—21-10 49th avenue, southeast corner of 21st street (1st floor); (Block 71, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Charles Planick and Anne Klein Ansley.

For Administration: Fred Dahlem, Dep't of Housing and Buildings and Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (115-43-S)

WHEREAS, this application from a decision of the borough superintendent, affecting premises 21-10 49th avenue, southeast corner of 21st street (1st floor); (Block 71, Lot 1), Long Island City, Borough of Queens, was granted by the Board on May 11, 1943, on certain conditions and the applicant requested an amendment of the resolution; and

WHEREAS, this case was reopened by vote of the Board on September 14, 1943 and restored to the calendar, subject to usual procedure; and

WHEREAS, the decision of the borough superintendent, dated September 13, 1943 on Misc. Applic. 407-43, reads:

"1. Proposed installation of panic bolts on exit doors is contrary to Sec. 272, Paragraph 3 of the Labor Law." and

WHEREAS, the applicant states that an order has been issued by the Plant Security Officer, Second Service Command, U. S. Army, that doors fronting on 49th avenue, marked Nos. 3, 4 and 5, and door leading from manufacturing area into lobby marked No. 8 on first floor, should be locked at all times to prevent unlawful entry and that the door of the freight elevator marked No. 9 on plans filed with this application in the 21st street lobby, should be locked at all times when not in actual use, to prevent unauthorized entry from this point; that it is therefore requested the Board permit the conditions as proposed, in compliance with the U. S. Army's request; and

WHEREAS, the applicant has filed a copy of the recommendation of the Plant Security Officer of the U. S. Army, dated November 22, 1943.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted May 11, 1943, so that as amended, the resolution shall read:

"granted on condition that on the first floor panic bolts shall be installed only on doors indicated on plan of first floor marked 'Received May 11, 1943' as follows: Nos. 2 and 9 at the westerly freight elevator stairway, No. 6 and 7 leading to the passenger elevator lobby and either on No. 3 or No. 4 from the space leading directly to 49th avenue east of the main entrance lobby; that doorway marked No. 5, leading directly from the ladies' rest room to 49th avenue and doorway No. 8 leading to main entrance lobby, may

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be blocked up with approved masonry; and on the 7th floor on the door from the Engineering Department at the southwesterly corner, as indicated on plan marked 'Received May 11, 1943'; that such panic bolts shall be of an approved type; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as modified by the Board under Cal. 247-42-S."

446-43-A

APPLICANT—Randolph H. Almiroty, for The Salvation Army, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—2-22 Quincy street and 1-9 Downing street, southeast corner (Block 1972, part of Lot 2), Borough of Brooklyn.

APPEARANCES—

For Applicant: Randolph H. Almiroty.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioner Blum and Deputy Chief Murphy..... 3

Negative: Commissioner Savage 1

THE RESOLUTION (446-43-A)

WHEREAS, Randolph H. Almiroty, for The Salvation Army, owner, filed September 15, 1943, an appeal from an order of the fire commissioner, affecting 2-22 Quincy street and 1-9 Downing street, southeast corner (Block 1972, part of Lot 2), Borough of Brooklyn; and

WHEREAS, Order 10088-LF, issued by the fire commissioner January 28, 1943, reads:

"3. Provide a separate and distinct system of automatic sprinklers (*throughout building*) having at least one source of water supply, arranged and equipped as per Sprinkler Rules Board of Standards and Appeals."

and

WHEREAS, the decision of the fire commissioner dated August 26, 1943, reads:

"We have your letter of August 20 and note your remarks with respect to Item No. 3 of Order No. 10088-LF requiring the installation of an automatic sprinkler system at above mentioned premises.

Under the rules a fire alarm system cannot be accepted in lieu of the sprinkler system ordered. However, if you believe the conditions warrant, you have the right to appeal this order and this decision to the Board of Standards and Appeals."

and

WHEREAS, the applicant states the building is 4 stories, (60 ft.) in height; 213 ft. by 100 ft. in area at first floor; 182 ft. 5 in. by 84 ft. 7½ in. at typical floor; of Class 3 construction; equipped with a standpipe system; erected approximately 1876; located in a business use district and used since January 1941 as follows: cellar, boiler room; 1st floor, storage and bailing paper and rags, 20 persons; 2nd floor, furniture storage, 5 persons; 3rd floor, furniture and shoe repairs, 9 persons; 4th floor furniture storage and refinishing, 20 persons; and

WHEREAS, the applicant contends that the building is of mill construction, divided into two nearly equal parts by a fire wall with all openings protected by approved fire proof assemblies; that each section has its own stairways and separate exits to the street; that each unit has independent fire hose equipment; that in neither of the units are there more than 25 persons employed above the second floor; that both units are protected with a manually operated fire alarm system and by automatic fire alarm system installed and maintained by the Consolidated Fire Alarm Company, which is incomplete and not operating at this time, owing to the refusal of the War Production

Board to issue a priority for the material required to put the system in operation; that a new application for priority has been made and as soon as this is obtained, the system will be put in operation; that the bailing and sorting of paper and rags is done in a very small area of the first floor; that the ceilings of the first floor where paper and rags are received, sorted, baled or stored, have been fire retarded with wire lath and cement plaster and with metal; that there is very little fire hazard involved in the baling of paper or rags and that the fire alarm protection when fully operating, is sufficient to comply with the requirements.

Resolved, that the order of the fire commissioner, 10088-LF, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that no paper or rag storage shall be carried on within the building, except on the first floor toward the westerly end, as indicated on plans filed with this appeal marked "Received September 15, 1943," provided that in the rear portion of such space where paper and rag baling is done, the area shall be protected with a sprinkler system complying with the requirements therefor, except that the water may be taken from the domestic supply line serving the building, provided such line is not less than 2 inches in diameter, and except that the water flow alarm and street siamese may be omitted; that this variance is granted only so long as the premises are maintained as proposed and complies in all other respects with all laws, rules and regulations applicable thereto; other than as modified by the Board under Cal. 120-42-BZ; that there shall be no cellar below the building, except for a boilerroom, which shall be separated from the balance of the building by fireproof construction and enterable only from the exterior; that such portable fire-fighting appliances shall be maintained throughout the premises as the fire commissioner shall direct, as required in resolution adopted by the Board on April 28, 1942, under Cal. 120-42-BZ.

455-43-A

APPLICANT—Irving M. Fenichel, for L. Blau and Sons, Inc., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—36-27 to 36-39 36th street, south side, 243.31 ft. west of 36th avenue (Block 636, Lots 14, 15 and 19), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Irving M. Fenichel.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn on request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (455-43-A)

WHEREAS, Irving M. Fenichel, for L. Blau and Sons, Inc., owner, filed September 22, 1943, an appeal from a decision of the borough superintendent; premises 36-27 to 36-39 36th street, south side, 243.31 ft. west of 36th avenue (Block 636, Lots 14, 15 and 19), Long Island City, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, re Misc. Applic. 1506-43, dated August 23, 1943, reads:

"1. The conversion of a hand power elevator machine to a power driven elevator machine without complying with requirements for power driven elevators in all respects is contrary to Sec. C26-1125.0 Administrative Code Rule 13.4.6.1.5 of Building Code.

2. Doors in shaftway do not comply with Sec. C26-925.0 and 926.0 of Adm. Code."

and

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WHEREAS, the applicant states the building is one and two stories (25 ft.) in height, 175 ft. by 100 ft. in area at 1st floor; 150 ft. by 90 and 50 ft. in area at 2nd floor; Class 1 and 3 construction; equipped with a sprinkler system; erected in 1922; located in an unrestricted use district and used as a dry cleaning plant, 8 persons on the 1st floor and 30 on the 2nd floor; no change in use or occupancy is proposed; and

WHEREAS, Violation 514-43 was issued February 28, 1943, for converting freight elevator 302 to an electric elevator without filing plans; and

WHEREAS, applicant contends that the elevator in question will be used for freight and not for passengers and is indispensable to the operation of the plant and it is the only method available for the transferring of garments and other articles being processed from the 1st to the 2nd floors for pressing and finishing and then down to the 1st floor for shipping; that due to the man power shortage, it has been impossible to secure and retain help who would be willing to operate the elevator by hand power and it is impossible to obtain a regular approved type of electric power elevator assembly for this purpose and consequently an electric hoist was installed as being the only available medium for the operation of the elevator and as the degree of safety has not been reduced through the substitution of the electric hoist for hand power, it is requested that permission be granted to continue the use of the present elevator installation in its entirety, including electric hoist for the duration of the present war emergency; that while the existing elevator assembly does not comply with the requirements therefor, the use of the electric hoist does not introduce any hazard whatsoever; that the existing elevator shaft doors are metal-clad and self-closing; that there is a sliding door on the first floor and a hung door on the second, both bearing underwriters labels; that these doors are adequate for the purpose intended; that new doors which comply under sections C26-925.0 and C26-926.0 cannot be obtained; therefore permission is requested to maintain them for the duration of the present emergency; and

WHEREAS, Certificate of Occupancy 15655 was issued on N. B. Applic. 16215-22, permitting the use of the building as a cleaning and dyeing plant on the first floor only and with no number of occupants stated; and

WHEREAS, the elevator was inspected by a committee of the Board; and

WHEREAS, after discussion, the applicant requested a withdrawal of the appeal.

Resolved, that the appeal be and it hereby is *withdrawn*.

525-43-A

APPLICANT—Herman Kron, for Irving Engel, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—105-51 160th (Washington) street, east side, 20.37 ft. north of South street (Block 10118, Lot 68), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Herman Kron.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (525-43-A)

WHEREAS, Herman Kron, for Irving Engel, owner, filed November 4, 1943, an appeal from a decision of the borough superintendent, affecting premises 105-51 160th (Washington) street, east side, 20.37 ft. north of South street (Block 10118, Lot 68), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated October 28, 1943 on Alt. Applic. 1376-43 reads:

"1. Stair of wood construction contrary to Sec. 270 of Labor Law.

2. Enclosure walls of stair required to be 3 ft. above roof, Sec. 270 of Labor Law.

3. Floors in stair enclosure required to be F.P. Sec. 270, Labor Law."

and

WHEREAS, the applicant states that the building is 2 stories (24 ft.) in height, 34.56 ft. by 66 ft. in area, of Class 3 construction, erected in 1920, located in a business use district and used as follows: cellar, ordinary use; 1st floor, stores, 10 persons; 2nd floor, billiard and pool room, 30 persons; proposed to be used: cellar, same; 1st floor, same; 2nd floor, repairing and assembly of sewing machines, 15 persons; and

WHEREAS, the applicant contends that the wood stair leading to the second floor is enclosed with 8 in brick; that the cellar ceiling is fire-retarded with ½ in. plasterboard and plaster; that all other ceilings are covered with metal; that the building was occupied until recently as two stores and apartment on the 1st floor and as billiard room and pool parlor on the 2nd floor; that it is proposed to change the occupancy on the 2nd floor to assembly and repairing of sewing machines with not more than 15 persons and it is proposed to cover the present wood stairs, (risers and treads), with 26 gauge metal and a new stair to be constructed of steel, both stairs to be 3 ft. 8 in. wide, all stair-hall ceilings to be fire-retarded; it is proposed to fill in all stair platforms with concrete deafening between beams and all doors leading to stairhalls on the 2nd floor to be fire-proof self-closing; that the new stair will be enclosed with 8 in. solid brick and that the distance from any exit to any point on the 2nd floor will be less than 50 ft.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the borough superintendent acting on Alt. Applic. 1376-43, and that the appeal be and it hereby is *granted* as to Objection 1, *on condition* that the existing wood stair to the north shall be maintained as proposed and that at the landing on the second floor within such enclosure there shall be an iron ladder leading to the roof through a scuttle with an easy opening device; as to Objection 2, that the enclosure walls three feet above the roof may be omitted, provided the two stairways are maintained as proposed and the building is not increased in height and area and the scuttle in the northerly stair giving access to the roof is maintained; as to Objection 3, that the stair enclosure shall be maintained as proposed and the ceiling in the stairhall shall be fire-retarded, all as indicated on plans filed with this appeal marked "Received November 9, 1943" and the cellar ceiling throughout shall be protected as proposed; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

526-43-A

APPLICANT—Mother Gertrude, for Sisters of Charity Pallottine, owner.

SUBJECT—Appeal from a decision of the fire commissioner.

PREMISES AFFECTED—371-373 Pleasant avenue, west side, 60 ft. south of East 120th street (Block 1807, Lot 24), Borough of Manhattan.

APPEARANCES—

For Applicant: Mother Gertrude and Sister M. Margaret.

For Administration: Fred Dahlem, Dep't of Housing and Buildings, Insp. Maher, Fire Dep't., and John Oberwager, M.D., Health Dep't.

ACTION OF BOARD—Appeal granted on condition.

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THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (526-43-A)

WHEREAS, Reverend Mother Gertrude, for Sisters of Charity Pallottine, owner, filed November 4, 1943, an appeal from a decision of the fire commissioner, affecting premises 371-373 Pleasant avenue, west side, 60 ft. south of East 120th street (Block 1807, Lot 24), Borough of Manhattan; and

WHEREAS, the decision of the fire commissioner dated October 25, 1943, reads:

"In reply to your request to omit the installation of an approved interior fire alarm system in that portion of the above premises to be occupied for the day care of more than thirty children, you are advised that the Fire Commissioner is without authority to waive this requirement and your request must be denied."

and

WHEREAS, the applicant states that the building is 2 stories (38 ft. 10 in.) in height, 60 ft. by 75 ft. in area, of Class 3 construction, erected in 1921, located in a residence use district and used and occupied as follows: cellar, gymnasium, club room, boiler, 50 persons; 1st floor, nursery and sewing class, 140 persons; 2nd floor, auditorium, 200 persons; balcony, 75 persons; that the building is equipped with one 3 ft. 8 in. fireproof stairs leading from roof bulkhead to street and one fire escape at the south side of the building leading from top story to yard with egress from yard through corridor; that the windows on the course of the fire escape are fireproof self-closing; that Certificate of Occupancy 5477 was issued November 10, 1922, permitting use and occupancy of the building as follows: basement, gymnasium, club room and boiler room; 1st floor, day nursery, 140 persons; 2nd floor, auditorium, 200 persons; balcony, auditorium, 75 persons; and

WHEREAS, the occupancy of the day nursery will not exceed 55 children and will be under the supervision of adult superiors at all times; and

WHEREAS, the applicant contends that the Board of Health requires compliance with the decision of the fire commissioner; that an interior fire alarm system be installed in the day nursery, in order to obtain a renewal of the nursery permit; that in addition to the added expense which it is found difficult to meet, it is difficult to get the necessary priorities in order to comply with the fire department's requirements and it is therefore requested that the requirement for installation of a fire alarm be waived; and

WHEREAS, the premises were inspected by a committee of the Board.

Resolved, that the decision of the fire commissioner dated October 25, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall be maintained as proposed; that there shall be a push button fire alarm on the first floor of the building and fire drills shall be maintained under the supervision of those in charge; that the third means of exit to the rear yard shall be supplemented by a gate in the lot line fence, to provide additional means of escape; that this variance is granted only so long as the building is maintained and occupied as proposed and that such portable fire-fighting appliances are maintained as the fire commissioner shall direct.

541-43-A

APPLICANT—John P. Riley, for New York City Housing Authority, owner (Brooklyn Urban League-Lincoln Settlement, Inc., lessee).

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—133 Kingsborough 1st Walk, east side, 220 ft. south of Bergen street and north-

east corner of Bergen street and Rochester avenue (Block 1344, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: John P. Riley.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (541-43-A)

WHEREAS, John P. Riley, for New York City Housing Authority, owner (Brooklyn Urban League-Lincoln Settlement, Inc., lessee), filed on November 10, 1943, an appeal from an order and a decision of the fire commissioner, affecting premises 133 Kingsborough 1st Walk, east side, 220 ft. south of Bergen street (northeast corner of Bergen street and Rochester avenue); (Block 1344, Lot 1); (Kingsborough Housing Project), Health and Nursery Building No. 3, Borough of Brooklyn; and

WHEREAS, an order of the fire commissioner, dated August 27, 1943, reads:

"1. Install an adequate interior electric fire alarm system in accordance with the rules of the Board of Standards and Appeals, and the enclosed approved layout. Section 487 E2.0-c-1 Administrative Code."

and

WHEREAS, the decision of the fire commissioner dated October 15, 1943, reads:

"Consideration has been given your request of September 28th, 1943 for rescindment of our order requiring an interior electric fire alarm in the above mentioned premises. However, we regret to inform you that no modification may be made due to the fact that there are more than thirty (30) children on the premises making it mandatory for you to provide a fire alarm system. However, if you consider the requirement drastic you have the opportunity of presenting the case to the Board of Standards and Appeals for decision."

and

WHEREAS, the applicant states that the building is 6 stories (51 ft. 6½ in.) in height, 176 ft. 4 in. by 67 ft. 7½ in. in area, of Class 1 construction, erected in 1941, located in a residence use district and used and occupied as follows: cellar, incinerator rooms, utility, tank and service rooms, toilets, cooking recess, etc.—number of persons not stated; 1st floor, children's nursery, health center and apartment, 154 persons; 2nd floor to 6th floor, dwelling, 40 persons, for which Certificate of Occupancy 102483 issued September 15, 1941 on N. B. Applic. 949-40, permits the use and occupancy as follows: cellar—incinerator rooms, utility rooms, tank and service rooms, toilets, cooking recess, etc.; 1st floor—children's nursery and health center—92 persons and 4 families; 2nd floor to 6th floor inclusive—dwelling—10 families each; and

WHEREAS, the applicant contends that the nursery school occupies only a portion of the first floor and is comprised of three playrooms, each having direct access to an outside yard by doors equipped with panic bolts; that the lobby and foyer doors are also equipped with panic bolts; that each room has exit facilities to the hall; that the nursery is operated by a private charitable organization and has an anticipated capacity of 63 children from two to six years of age and operates from Monday to Saturday from 7 A. M. to 6 P. M., under competent supervision of trained teachers and teachers-in-training with approximately one teacher for every ten to twenty children; that no purpose would be served in having a fire alarm system, since the entire nursery school can be vacated in a few minutes.

Resolved, that the decision of the fire commissioner dated August 27, 1943 and referred to in a decision of the fire commissioner dated October 15, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the premises shall be maintained as proposed and that at all times during school hours, the playrooms

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shall be under the supervision of a sufficient number of trained attendants; that all the exits shown from the playrooms and the connecting door between playrooms 1 and 2, shall be maintained; that the exterior doors leading to the street or to the open court or yard, which in turn lead to the street, shall be equipped with approved panic bolts; that all doors shall open outwardly; that such panic bolts shall be located at such height as to be available for use by the children; that a telephone of the non-coin type shall be installed on the premises at a convenient central location available at all times; that at such telephone there shall be a sign posted recording the telephone number of fire headquarters and the location of the nearest street fire alarm box; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that in connection with fire drills which shall be periodically maintained, a manually operated gong not less than 8 in. in diameter shall be maintained for use in connection with such fire drills or to sound an alarm in case of danger; that at all times while the playrooms are being occupied, all exit and communicating doors shall remain openable; that the door to the kitchen as shown shall be reasonably tight-fitting and made self-closing; that a ventilator shall be maintained in the exterior kitchen window open at all times while the playrooms are being occupied.

542-43-A

APPLICANT—Lama and Proskauer, for Anna Berg, owner (Atlantic Casting and Manufacturing Co., lessee).

SUBJECT—Appeal from an order and decision of the borough superintendent.

PREMISES AFFECTED—143-169 Imlay street, southeast corner of Pioneer street (Block 529, Lots 1 and 8), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (542-43-A)

WHEREAS, Lama and Proskauer, for Anna Berg, owner (Atlantic Casting and Manufacturing Corporation, lessee), filed November 10, 1943, an appeal from a decision of the borough superintendent, affecting 143-169 Imlay street, southeast corner Pioneer street (Block 529, Lots 1 and 8), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent, dated November 9, 1943, on Alt. Applic. 2915-43, reads:

"1. Changing occupancy from machine shop and boiler shop to machine shop and aluminum foundry, in a partly unrestricted and partly business zone, is contrary to Art. II, Sec. 4, Par. 19 of Zone Resolution."

and

WHEREAS, the applicant states the building is one story, (20 ft.) in height, 175 ft. by 90 ft. and 110 ft. in area; of Class 3 construction; erected 1900; located in a business and unrestricted use district and used since 1933 as a machine and boiler shop, 25 persons and proposed to be used as a machine shop and aluminum foundry, 25 persons; and

WHEREAS, the applicant contends that the proposed use is not contrary to Section 4, Paragraph 19 of the zoning resolution which reads: "iron, steel, brass or copper works;" that there is no reference in paragraph 19 of the zoning resolution, which prohibits aluminum casting in a business use district and it is therefore requested that this appeal be granted; and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, in the opinion of the Board, the descriptions of

prohibited uses as listed under Section 4, Paragraph (a) should be literally construed and that any uses not so listed which may be objectionable, should be considered under section 4, subdivision (b).

Resolved, that the decision of the borough superintendent acting on Alt. Applic. 2915-43 be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

543-43-A

APPLICANT—Koch and Wagner, for H. C. Bohack Co., Inc., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—48-01 to 50-21 Metropolitan avenue, northwest corner of Flushing avenue (Block 2318, Lot 25), Maspeth, Borough of Queens (Under section 35, General City Law re bed of mapped street—51st street).

APPEARANCES—

For Applicant: Arthur R. Koch.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (543-43-A)

WHEREAS, Koch & Wagner, for H. C. Bohack Company, Incorporated, owner, filed on November 10, 1943, an application pursuant to Section 35 of the General City Law, for permission to extend a building existing in the bed of a mapped street (51st street), affecting premises 48-01 to 50-21 Metropolitan avenue, northwest corner Flushing avenue (Block 2625 (2318), Lot 25), Maspeth, Borough of Queens; and

WHEREAS, the decision of the borough superintendent on Alt. Applic. 1445-43, dated November 4, 1943, reads:

"1. Extension of building in bed of a mapped street must be approved by Board of Standards and Appeals."

and

WHEREAS, the applicant states that the building is 203 ft. 6 in. by 52 ft. and 115 ft. in area; one story (17 ft. and 20 ft.) in height; of Class 3 construction; erected in 1926; located in an unrestricted use district and occupied as a warehouse, 50 persons, and that the proposed extension will be 61 ft. 9 in. by 16 ft. in area; 12 ft. in height, as indicated on plans filed with this appeal; and

WHEREAS, the applicant contends that the existing building was erected in 1926 and extended in 1939 under Alt. Applic. 2327-39 and Certificate of Occupancy Q13683, issued August 30, 1930 and that this building as well as all other buildings on the plot are equipped with automatic sprinkler systems; and

WHEREAS, the area was inspected by a committee of the Board.

Resolved, that the decision of the borough superintendent acting on Alt. Applic. 1445-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted* under the authority granted the Board under section 35 of the General City Law, to permit the extension of the building within the bed of a mapped street as proposed, *on condition* that no part of the proposed extension shall of itself be within the bed of a mapped street; that nothing herein contained shall be deemed to constitute an approval by the Board of heretofore erected buildings within the bed of mapped streets since the adoption of Section 35 of the General City Law in 1926 and that the owner shall promptly petition the City Planning Commission for removal of such built-over streets from the City Map.

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561-43-A

APPLICANT—L. E. Scott Co., Inc., owner.

SUBJECT—Appeal from decisions of the fire commissioner re Transportation of inflammable mixture known as "Lesco Cleaning Fluid" in 8 oz. glass containers (capacity of glass containers not in conformity with Administrative Code requirements).

APPEARANCES—

For Applicant: James Smail.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (561-43-A)

WHEREAS, L. E. Scott Co., Inc., owner, filed November 19, 1943, an appeal from a decision of the fire commissioner, relating to the packaging of Lesco Cleaning Fluid in 8 oz. glass containers; and

WHEREAS, the decision of the fire commissioner dated November 9, 1943, reads:

"In reply to your letter of June 7th, 1943 in which you request permission to package the inflammable mixture known as "Lesco" cleaning fluid, in eight (8) ounce glass bottles, please be advised that permission is hereby denied for the reason that Section C19-59.0 of the Administrative Code of the City of New York prohibits same."

and

WHEREAS, the applicant states that it is proposed to pack 36 four ounce bottles or 24 eight ounce bottles to each shipping container; that the shipping containers will be constructed of corrugated cardboard and the bottles will be separated by corrugated cardboard dividers, the entire container to be of a type approved by the Interstate Commerce Commission; and

WHEREAS, the applicant has filed drawings of the Boston round eight ounce Duraglas bottle, which it is proposed to use; and

WHEREAS, the applicant has filed a sample bottle with the Board, which is equipped with a metal screw cap having a paper liner; and

WHEREAS, the applicant contends that Certificate of Approval 427 was issued for this product; that glass as well as tin plate has been used continually for packaging the product; that however, due to existing conditions, the owner is unable to obtain tin plate and has been forced to adopt the eight ounce glass container for the duration; and

WHEREAS, an examination of Fire Department folder 22-19, indicates that a sample of Lesco Cleaning Fluid was submitted by the Fire Department to the Central Testing Laboratory of the Department of Purchase on May 28, 1926 and report No. 71869 dated December 8, 1926, indicates the flashpoint of Lesco Cleaning Fluid to be 80 deg. F.

Resolved, that the decision of the fire commissioner dated November 9, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted*, to permit the product to be marketed in 8 oz. bottles as proposed for a term of six (6) months from the date of this resolution, subject to further consideration as to extension of the term after the bottles of various sizes made by the manufacturer have been submitted with an application of the manufacturer for test by the Board.

568-43-A

APPLICANT—Wickes, Riddell, Bloomer, Jacobi and McGuire, for Republic Steel Corporation, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—62-88 (also known as 82-90) Scott avenue, northeast corner of Meserole street (1st floor); (Building 31); (Block 2972-B, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: John K. Clark, Jr. and H. F. Eisenrein.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (568-43-A)

WHEREAS, Wickes, Riddell, Bloomer, Jacobi and McGuire, for Republic Steel Corporation, owner, filed November 19, 1943, an appeal from an order and decision of the fire commissioner, affecting premises 62-88 (also known as 82-90) Scott avenue, northeast corner of Meserole street (1st floor); (Block 2972-B, Lot 1), Borough of Brooklyn; and

WHEREAS, Order 10688-LF issued by the fire commissioner June 11, 1943, reads:

"1. Arrange panic bolts from exit doors on the first floor so that same can be opened from both sides during working hours. Section 272 of the Labor Law."

and

WHEREAS, the decision of the fire commissioner dated October 20, 1943, reads:

"We have your letter of October 16th wherein you request rescindment of Order dated June 11, 1943 requiring your client to arrange the panic bolts on exit doors on the 1st story so that same can be opened from both sides during working hours. The Fire Commissioner is without authority to modify any Order issued under the provisions of the Labor Law. Therefore, your request must be denied. However, this decision may be appealed to the Board of Standards and Appeals, Room 1000, Municipal Building, Manhattan, if you so desire."

and

WHEREAS, the applicant states that the building is 5 stories (75 ft.) in height, 80 ft. by 287 ft. in area, of Class 1 construction, erected in 1926, located in an unrestricted use district and used and occupied as follows: cellar—boiler room—2 persons; 1st floor to 4th floor inclusive—manufacturing steel and tubing—15 persons on the 1st floor, 35 on the 2nd floor, 20 on the 3rd floor and 10 on the 4th floor; 5th floor—machine shop and maintenance department—65 persons; that Certificate of Occupancy 39622 issued July 2, 1926 on N. B. Permit 15018-25, permits the use of the building as a factory with 100 males on each floor and 20 females on the 2nd floor; that the building is equipped with a one source sprinkler system, a standpipe system and interior fire alarm system and that fire drills are not maintained; that there are two interior fireproof stairs leading from roof bulkhead directly to the street, one 44 in. in width and one 50½ in. in width; and

WHEREAS, the applicant contends that the door in question opens directly on Scott avenue and is equipped with panic bolts openable from the inside; that there are nine doorways on the 1st floor; that the work done in the building is exclusively defense work; that the U. S. Army Ordnance Department has directed that the doorway in question be equipped so as not to be openable from the outside; that the door in question is equipped with an alarm bell so that it cannot be used without causing the alarm to ring; that the doorway is not used as a means of egress and persons using the upper floors are not accustomed to using this doorway; that even in peace times, no useful purpose will be served in maintaining this door to permit access from without and it is therefore requested that a permanent variance of the provisions of the Labor Law be granted, so that the door in question be permitted to be equipped with a panic bolt; and

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WHEREAS, the applicant has filed a copy of the recommendation of the Second Service Command of the U. S. Army, Plant Security Officer, that the panic bolt in question is an essential security measure and should be retained.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the requirements of the labor law, as cited in an order of the fire commissioner on Order 10688-LF and that the applicant be and it hereby is *granted* as to Objection 1 *on condition* that panic bolts shall be installed on no door other than the one proposed; that such panic bolt shall be of an approved type; that this variance shall be continued only during the term of the present emergency and six (6) months thereafter; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as modified by the Board under Cal. No. 915-41-A.

187-35-A

APPLICANT—L E. Driver, for New York Dock Company, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete work—Appeal from a decision of the commissioner of buildings.

PREMISES AFFECTED—Pier No. 28, Clinton Wharf, Atlantic Basin (Block 515, part of Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: George A. Eweler.

ACTION OF BOARD—Appeal reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (187-35-A).

WHEREAS, this appeal from a decision of the commissioner of buildings, affecting Pier No. 28, Clinton Wharf, Atlantic Basin (Block 515, part of Lot 1), Borough of Brooklyn, was granted by the Board on November 26, 1935, on certain conditions and time extended from time to time, to obtain permits and complete the work, the last such extension being on December 15, 1942 and the applicant requests a further extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of November 26, 1935, as amended through December 15, 1942, only in so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

“with reference to the installation of the 8 inch main hereinbefore required, all permits shall be obtained and all work completed within one (1) year from the date of this *amended* resolution.”

925-41-S

APPLICANT—Ward Baking Company, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—Variation of the labor law as cited in decisions of the fire commissioner.

PREMISES AFFECTED—802 Pacific street, south side, 175 ft. west of Vanderbilt avenue and 647-655 Dean street, north side, 125 ft. west of Vanderbilt avenue (Block 1129, Lots 25 and 64), Borough of Brooklyn.

APPEARANCES—

For applicant: Frank A. Lyons.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (925-41-S)

WHEREAS, Ward Baking Company, owner, filed October 30, 1941, an application for a variation from the requirements of the Labor Law, as cited in decisions of the fire commissioner; premises 802 Pacific street, south side, 175 ft. west of Vanderbilt avenue and 647-655 Dean street, north side 125 ft. west of Vanderbilt avenue (Block 1129, Lots 25 and 64), Borough of Brooklyn; and

WHEREAS, the decision of the fire commissioner, dated October 20, 1941, affecting 647-655 Dean street, reads:

“In response to your letter of October 16, 1941, requesting permission to use panic bolts on certain doors, you are advised that your request must be denied for reasons that Section 272, subdivision 3, Labor Law, requires all doors leading into or out of any factory to be unlocked or unfastened during working hours.”

and

WHEREAS, the decision of the fire commissioner, dated September 26, 1941, affecting 802 Pacific street, reads:

“In response to your letter of September 23, 1941, requesting permission to use panic bolts on certain doors, I regret to advise you that your request must be denied for the reason that Section 272, Subdiv. 3 Labor Law requires that no door leading into or out of any factory or any floor thereof shall be locked, bolted or fastened during working hours.”

and

WHEREAS, Bldg. No. 1, 802 Pacific street and 615 Dean street is 275 ft. by 225 ft. in area; 5 stories in height; of Class 1 construction. Bldg. No. 2, 647-655 Dean street is 80 ft. by 80 ft. in area; 5 stories in height; of Class 1 construction. The buildings are occupied as follows: cellar, storage; 1st floor, delivering and shipping; 2nd floor, wrapping and office; 3rd floor, baking and machine shop; 4th floor, mixing and baking; 5th floor, storage of ingredients and flour mixing; that the buildings are each equipped with a sprinkler sytem, which is maintained in accordance with the requirements; that there are four fireproof enclosed stairs leading from street to roof in Bldg. No. 1 and two similar stairs in Bldg. No. 2. Building No. 1 is equipped with one fire escape, which leads to roof by stairs and to grade by stairs; and

WHEREAS, the applicant contends that it is proposed to place panic bolts at Entrance F in Bldg. No. 1 and at Entrance H of Bldg. No. 2, as shown on plans filed herewith; that these entrances lead directly to interior stairways which provide access to all floors of the building; that placing of panic bolts on these entrances will materially reduce the danger of thievery and placing foreign substances in the baking mix by people entering into the premises through these entrances and will in no way interfere with the proper exit facilities for the employees, as there are numerous exits in case of fire; and

WHEREAS, this application was granted by the Board on November 18, 1941, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of November 18, 1941, so that as amended, the resolution shall read:

“*Resolved*, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the fire commissioner dated October 20, 1941, relating to 647-655 Dean street, and decision dated September 26, 1941, relating to 802 Pacific street, and that the application be and it hereby is *granted* only so far as it has reference to installation of panic bolts at the street door to Dean street in Building No. 1, doorway marked F and in Building No. 2, doorway marked H, *on condition* that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that the sprinkler system shall be maintained to the satisfaction of the fire commissioner.”

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APPLIANCE AND MATERIALS SUBMITTED FOR APPROVAL

1431-39-SA

APPLICANT—Dugas Engineering Corporation, owner.
SUBJECT—Dugas Shaker Unit Fire Extinguisher, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

1122-39-SM

APPLICANT—Julius Nolte, for Charles A. Luisi, owner.
SUBJECT—C.A.L. Cinder Building Blocks, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (1122-39-SM)

WHEREAS, Charles A. Luisi, owner, filed on September 12, 1939, an application with the Board of Standards and Appeals for the approval of the material known as the C.A.L. Cinder Building Blocks; and

WHEREAS, the application failed to provide the proper test of this material, for an inspection by the Committee on Tests of the Board, although duly notified to do so.

Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

492-40-SM

APPLICANT—Richmond Fireproof Door Company, owner.
SUBJECT—Application for consideration—reopening and amendment of resolution—re Fyrgard C N.Y.C. Three-Hour Metal-Clad Three-Ply Door, previously approved.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application reopened and resolution amended in accordance with report of Committee on Tests.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

(Resolution will be printed in Bulletin of December 14, 1943, Vol. 28, No. 50.)

243-43-SM

APPLICANT—Bird and Son, Inc., owner.
SUBJECT—Bird Insulating Fibreboard, approval of.

APPEARANCES—

For Applicant: Joseph A. Sheehan.

ACTION OF BOARD—Material approved in accordance with report of Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (243-43-SM)

WHEREAS, Bird and Son, Inc., owner, filed on May 21, 1943, an application with the Board of Standards and Appeals for approval of the material known as the Bird Insulating Fibreboard; and

WHEREAS, this material was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

November 9, 1943.

Re: Cal. 243-43-SM.

Subject: Bird Insulating Fibreboard, approval of.

Bird and Son, Inc. of East Walpole, Mass., filed May 21, 1943, an application with the Board of Standards and Appeals for approval of Bird Insulating Fibreboard under the requirements of the Fibre Insulation Board Rules of the Board of Standards and Appeals, and C26-178.0, b Administrative Building Code.

DESCRIPTION AND MANUFACTURE

These products are known as Bird Building Board, Bird Roof Insulating and Bird Sheathing Board.

These insulating board products are manufactured largely from selected New England wood purchased under specification with reference to specie, density and age requirements. The major portion is composed of virgin wood fiber with predetermined percentage of selected paper stock. The wood is reduced to pulp by first chipping small logs into uniform chips to predetermined size and then passing these chips into a continuous type of defibrating machine. In this machine the lignin and cementitious material in the chips are first softened in a high pressure steam chamber, then the material passes through a defibrating unit attached to the steam chamber which reduces it to long, pliable fiber by attrition between revolving discs. This defibered pulp is then further refined to the point of complete separation of individual fibers from the fiber bundles without appreciably shortening the fiber length. This pulp acts as a bonding medium and is further enhanced in bonding power by the addition of carefully selected paper stock prepared under controlled conditions. This treatment and proportioning, it is claimed, gives high strength, rigidity and nail holding power together with high insulating qualities.

Rosin Size is added to the stock and set with alum to provide water resistance to the finished board. After thorough mixing, the stock passes through automatic consistency regulators. The acidity of the stock solution is automatically controlled by recording and proportioning instruments before it enters the forming machine on which the fiber board is manufactured.

A cylinder-type machine is used in forming the wet web, the width, weight and thickness of which is carefully controlled according to specifications. After forming, the wet sheet is then pressed and cut into sheets and passed into a steam heated, hot air drier consisting of four heating zones, the temperature and humidity of which are carefully controlled by the proper recirculation and admission of air throughout the drier. This control apparently assists conditions for the setting of the sizing material, including the natural resins in the wood itself, and enhances the water resistance of the finished fiber boards. At the end of the drying operation, the board is conditioned for stabilization of its moisture content.

Bird Building Board is supplied in two different types of surfaces. Both surfaces may have the natural wood color. If desired, the smooth side may have a decorative coating which is ivory in color and which is applied to the dried board. This decorative coating also

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serves as a primer coat for subsequent treatment when desired.

The dried board is inspected as it leaves the drying chamber, and finished board is then sawed to the desired sizes or further processed on other machines according to the products desired.

Process Control

1. Pulp Wood.
 - A. Species received and checked according to specification for grade, age and diameter.
 - B. Wood is seasoned by proper rotation of wood in storage.
2. Control of Pulp.
 - A. Regulation of feed.
 - B. Regulation of defibration and fiber length.
 - C. Regulation of consistency.
 - D. Regulation of freeness (rate of water drainage).
 - E. Proportioning and blending of component stocks.
 - F. Control of sizing solutions.
 - G. Automatic control of acidity.
3. Wet Mat Control.
 - A. Consistency of stock entering forming machine.
 - B. Freeness of stock.
 - C. Weight and thickness of web.
 - D. Pressure on wet web.
 - E. Color.
4. Control of Manufacturing Water.
 - A. Temperature.
 - B. Acidity.
 - C. Solids.

Physical Tests and Grading of Finished Board

Control tests are made at regular intervals to maintain close control of weight, thickness, density, water absorption, moisture content, tensile strength, transverse breaking strength, linear expansion and thermal conductivity. All testing and inspection is under laboratory control, and all board manufactured is either accepted or rejected by this department.

Bird Building Board, Roof Insulation and Sheathing Board are subjected to sufficiently high temperatures with proper humidity and for a sufficient period of time for the purpose of complying sterilization and destruction of rot-producing fungi.

No starch is to be used in these boards unless first made toxic to household vermin.

Bird Insulating Board products are manufactured for uses, sizes, thickness and joints as follows:

Building Board—Square Edges

Width: 4 feet, 0 in.
 Length: 6 ft., 7 ft., 8 ft., 9 ft., 10 ft. and 12 ft.
 Thickness: $\frac{1}{2}$ in., $\frac{3}{4}$ inch and 1 in.

Roof Insulation—Edges Square and Offset

Width: 24 in.
 Length: 48 in.
 Thickness: $\frac{1}{2}$ in. and multiples of $\frac{1}{2}$ in.

Sheathing Board—Edges Square on Boards Having 4-foot Width

Width: 4 ft., 0 in.
 Length: 7 ft., 8 ft., 9 ft., 10 ft. and 12 ft.
 Thickness: $\frac{25}{32}$ in.

Bird Building Board has a rough-textured surface on one side and a fine screen impression on the reverse

side. The side with the fine screen impression may be tinted ivory on request. The board has a natural wood shade. Roof Insulation has the same appearance as the Building Board except the tint on one side is absent. The Sheathing Board is also produced in the natural wood color only.

TESTS

Tests on these materials were made by the Committee on Tests at the plant of the company at Phillipsdale, R. I., on June 11, 1943. Present at these tests were the Committee on Tests of the Board and representatives of the manufacturer. The results were as follows:

Test on Building and Insulation Board $\frac{1}{2}$ " Thick

	Rule Requirements	Test Results
Thermal Conductivity — B.T.U. per hour per sq. ft. per degree F, per inch thickness	0.36 max.	0.345*
Transverse strength—lbs.—Lengthwise	14 min.	17
Transverse strength—lbs.—Crosswise	12 min.	13.7
Minimum deflection at ult. load—ins.	0.25 min.	0.52
Maximum deflection at ult. load—ins.	0.85 max.	0.71
Tensile strength—Lengthwise —#/sq. in.	175 min.	297
Tensile strength—crosswise #/sq. in.	175 min.	249
Water Absorption—per cent	5.0 max.	4.0*
Linear Expansion—per cent	0.50 max.	0.70*
Nail holding strength—lbs.	60 lbs. min.	79

Test on Sheathing and Roof Insulation $\frac{25}{32}$ " Thickness

	Rule Requirements	Test Results
Thermal Conductivity — B.T.U. per hour, per sq. ft., per deg. F., per inch thickness	0.36 max.	0.345*
Transverse strength—lbs.—Lengthwise	21.75 min.	29.9
Transverse strength—lbs.—Crosswise	18.75 min.	26.6
Minimum deflection at ult. load—in.	0.25 min.	0.45
Max. deflection at ultimate load—in.	0.85 max.	0.57
Tensile strength—#/sq. in.—Lengthwise	175 min.	307
Tensile strength—#/sq. in.—Crosswise	175 min.	325
Water absorption—per cent	5.0 max.	2.1*
Linear Expansion—per cent	0.50 max.	0.24*
Nail holding strength—lbs.	100	102

*Taken from laboratory records.

NOTE:—For the nail holding strength test, motor driven Scott Tensile Tester of Insulated Boards was used with jaws separating at rate of $12'' \pm 2''$ per minute. 6d nails having a shank of $\frac{3}{32}''$ (.98 to .102") were driven through the board at a distance of $\frac{3}{4}''$ from an edge. The machine registered the force necessary to pull the nail to the edge of the board.

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Racking Resistance tests were also conducted at Columbia University in September 30, 1943, in the presence of the Committee on Tests on Wood Stud frames covered with 25/32 inch thickness. Bird Sheathing—Report No. 2539 dated Sept. 30, 1943, filed with the application which was as follows:

The purpose of the tests described herein was to determine the effectiveness of 25/32 inch Bird Sheathing in providing lateral stiffness and strength to wood stud frames. The series of test panels, constructed as herein described, included three frames covered on one side with 25/32 inch Bird Sheathing. All material was commercial stock as received from dealers. Timber and nails were received from a local dealer and Bird Sheathing was purchased by these Laboratories from General Building Products Co., Providence, Rhode Island. Panels were constructed by these Laboratories in accordance with specifications of the Board of Standards and Appeals of New York City. The application of the sheathing was witnessed by a representative of the Board of Standards and Appeals.

Description of Test Panels

Several 8 ft. x 8 ft. wood frames were constructed of commercial 2" x 4", No. 1 grade Douglas fir stud-ding, each frame consisting of a 2" x 4" x 8 ft. plate and sill, and seven studs spaced 16" c-c (and spacing 15"). The studs were cut to give an overall height of 8 ft. including thickness of plate and sill. The studs were attached to the sill with four 8d wire nails "toed in" from the 4" sides of the studs. The plate was fastened to the stud with two 20d wire nails driven through the plate into the end of each stud.

Panel No. 1. 25/32 Inch Bird Sheathing, 4 ft. x 8 ft. boards (square edge), were applied parallel to the studs (normal vertical application). Boards were placed to give a joint perpendicular to studs extending half way across panel, i.e., in one of the applied 4 ft. x 8 ft. boards, in addition to a longitudinal joint running along the center stud between 4 ft. x 8 ft. boards. To give nailing along the joint perpendicular to studs, 2" x 4" battens were placed under the joint and "toe nailed" to the adjacent studs with two 8d wire nails on each 4 inch face of each batten. Bird Sheathing Boards were applied with a 2 inch galvanized roofing nail with approximately a $\frac{3}{8}$ inch diameter head and $\frac{1}{8}$ inch diameter shank (B.W. Gage No. 11). Nails were spaced 3 inches center to center along plate and sill and all end framing, and 6 inches center to center on all intermediate studs.

Panel No. 3. 25/32 Inch Bird Sheathing, 4 ft. x 8 ft. boards (square edge) were applied parallel to studs (normal vertical application). Two full boards were used to give one longitudinal joint along the entire length of the center stud. Nailing was similar to Panel No. 1.

All panels were squared and care was taken to simulate actual conditions in the construction of all frames and application of Bird Sheathing.

Method of Test

Each of the test panels was erected in a steel frame with the sill of the panel securely bolted to the vertical steel member of the testing frame. In securing the sill to the test apparatus, a $\frac{3}{4}$ inch board was placed between the under side of the sill and the web of the beam forming the vertical member of the test apparatus. The spacer extended only under the 2" x 4" sill and permitted unrestrained movement of the sheathing with respect to the sill. Horizontal rods were used with rollers to prevent the rotating of the panel away from the sill. Tie rods were placed at the level of the second stud when there was no load on the panel. Rods were tightened only enough to bring the rollers into contact with a 3" x $\frac{3}{4}$ " steel bar bolted to the plate

of the frame. This steel bar extended above the top of the panel and loads were applied to the upper end of the bar as shown.

Racking loads tending to displace the plate of the frame parallel to the sill were applied and measured in a Baldwin-Southwark testing machine using recording dial appropriate to the magnitude of the test loads. Loads were applied in increments as shown in the "Logs of Test," and corresponding relative displacements of the lower end of the plate with respect to the sill were measured by means of a steel scale, wire and mirror deflectometer. All panels were constructed and tested with air dry materials. Load and corresponding displacement readings were continued until well after maximum resistance of panels had been developed.

Results of Test

The following "Logs of Test" give the applied racking loads, displacements and visual observations for each of the three tests.

LOG OF LATERAL RESISTANCE TESTS

Laboratory Test No. 72254

Mark: Panel No. 1.

Date of Test: Sept. 30, 1943.

Material: 25/32 Inch Bird Sheathing (square edge) 4 ft. x 8 ft. boards, applied parallel to studs with one sheet cut to give a transverse joint half way across panel perpendicular to studs. Nailed with 2" galvanized roofing nails ($\frac{3}{8}$ " head, $\frac{1}{8}$ " shank) spaced 6 in. c-c over intermediate studs and 3" c-c at edge of sheets.

Density of 4 ft. x 8 ft. Boards: 1.03 lbs. per sq. ft.

Total Applied Loads, lbs.	Relative Dis- placement, Ins.
0	.0
200	.05
400	.12
600	.17
800	.25
1000	.32
1200	.39
1400	.49
1600	.60
1800	.72
2000	.85
2200	.98
2400	1.16
2600	1.40
2800	1.65
3000	1.99
3200	2.44
3400	3.10
3500	3.95
3400	4.65
3300	4.98
3000	5.39

Observations:

1400 lbs.—Board displaced $\frac{1}{8}$ " along both longitudinal (over center stud) and transverse joints.

2000 lbs.—Boards displaced $\frac{1}{4}$ " along both joints.

2600 lbs.—Boards displaced $\frac{1}{2}$ " along longitudinal and $\frac{3}{8}$ " along transverse joints.

2800 lbs.—Longitudinal joint opened up $\frac{3}{8}$ " at center.

3200 lbs.—Nails tearing through edge of boards along sill and transverse joint.

3400 lbs.—Two studs pulled away from sill to a maximum of $\frac{1}{2}$ ".

3500 lbs.—Maximum load.

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3000 lbs.—Loading discontinued. All nails along edges of boards embedded. All nails tore through edges along longitudinal joint. Some nails tore through edges along sill and transverse joint.

Laboratory Test No. 72256.

Mark: Panel No. 3.

Date of Test: Sept. 30, 1943.

Material: 25/32 Inch Bird Sheathing (square edge), 4 ft. x 8 ft. boards, applied parallel to studs. Nailed with 2" galvanized roofing nails ($\frac{3}{8}$ " heads, $\frac{1}{8}$ " shanks) spaced 6 inches c-c along intermediate studs and 3 inches c-c at ends of sheets.

Density of 4 ft. x 8 ft. Boards: 1.03 lbs. per sq. ft.

Total Applied Load, Lbs.	Relative Displacement, Ins.	Total Applied Load, Lbs.	Relative Displacement, Ins.
0	.0	2400	1.20
200	.05	2600	1.45
400	.11	2800	1.76
600	.17	3000	2.07
800	.24	3200	2.54
1000	.32	3300	2.98
1200	.41	3200	3.29
1400	.50	3100	3.54
1600	.58	3000	3.84
1800	.70	2800	4.17
2000	.84	2600	4.33
2200	1.02		

Observations:

1000 lbs.— $\frac{1}{16}$ " displacement of boards along longitudinal joint.

1600 lbs.— $\frac{1}{8}$ " displacement of boards along longitudinal joint.

2000 lbs.— $\frac{1}{4}$ " displacement of boards along longitudinal joint.

2400 lbs.— $\frac{3}{8}$ " displacement of boards along longitudinal joint.

2800 lbs.— $\frac{5}{8}$ " displacement of boards along longitudinal joint.

3000 lbs.—Nails tearing through edge of board at plate end of longitudinal joint.

3200 lbs.—Nails tearing through edge of boards along entire length of longitudinal joint.

3300 lbs.—Maximum load.

2600 lbs.—Loading discontinued.

Nails completely pulled through or torn out of edge of boards along entire length of longitudinal joint. Nails embedded

at loaded corner of panel. Nails pulled through boards along sill. One stud pulled away from sill $\frac{1}{2}$ ".

RECOMMENDATION

On the basis of the foregoing tests meeting the requirements of Rule 1 of the Insulating Fibre Board Rules of the Board of Standards and Appeals, the Committee recommends the approval of Bird Insulating Fibre Board in the sizes and thicknesses as specified herein, for use in accordance with the requirements of Rule 2 of the Insulating Fibre Board Rules of the Board of Standards and Appeals when manufactured of properties and when installed in accordance with the requirements thereof and such additional requirements as the manufacturer may recommend, and that the use of each class of board shall be limited to the uses as prescribed herein. When used for sheathing, full length and width boards shall be used; when used over doorways and over and under windows, vertical and horizontal 2 x 4's shall be provided, so as to afford nailing bases along all edges of the board so used. This material is shipped in packages and each such container shall be marked, tagged or labelled as follows, with the use of each type of board indicated and in addition shall bear the following inscription: "Approved by the Board of Standards and Appeals for Use in New York City Under Cal. No. 243-43-SM," when installed under the requirements of the Insulating Fibre Board Rules of the Board of Standards and Appeals.

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this material.

Resolved, that the Board of Standards and Appeals does hereby approve the material known as the Bird Insulating Fibreboard, on condition that the material be manufactured, installed, used and labelled, stamped or tagged in accordance with above report.

Adjourned: 4:25 P.M.

JOSEPH J. DOYLE, Chief Clerk.

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the Board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication in this BULLETIN of the calendars of the Board, each case being set down by Calendar Number and the premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the

offices of the Board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the Board is to dispose of all cases promptly; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

BULLETIN
OF THE
BOARD OF STANDARDS AND APPEALS
CITY OF NEW YORK

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BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1000 to 1018.

TELEPHONE—WOrth 2-5600.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.
Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building,
Borough of Manhattan.**HOURS OF CONSULTATION**

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the en-
gineers, pertaining to the work of the board, will be seen
only between the hours of ten in the morning and one in
the afternoon—Saturdays excepted.**NOTICE TO APPELLANTS AND APPLICANTS**No appeal or application will be entertained in connection
with which court proceedings are pending or in progress,
unless exception is granted by the chairman, nor accepted
which is not filed within thirty days from the date of the
action of the Administrative Official.Any communication purporting to be an appeal or appli-
cation shall be regarded as a mere notice of intention to
seek relief until it is filed on the form required by the rules
of this board.Upon receipt of any such communication the writer will
be supplied with the official forms for presenting his appeal
or application.At the time of filing an appeal or application, the appel-
lant or applicant shall forward a signed notice of appeal
addressed to the administrative official (either borough super-
intendent of buildings or fire commissioner) and file with this
board a duplicate of said notice.Appellants and applicants are advised that their plans
must indicate the points of the compass so as to establish
the true location and position of the property, the subject
of the appeal or application.Appeals and applications will be simplified and disposition
of same expedited by conforming to these directions.HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET

New Cases Filed up to December 7, 1943.

Cal. No. Dept. Premises Affected

579-43-A—H.B.Bx.—421 Eastern boulevard, northwest corner of East 144th street (Block 2601, Lot 67), Borough of The Bronx, Alt. 437-43.

580-43-A—H.B.M.—12-16 Vestry street, north side, 138 ft. 10¼ in. east of Hudson street (7th floor); (Block 221, Lot 35), Borough of Manhattan, B.N. 2054-43.

581-43-A—H.B.M.—182-200 Hudson street and 18-26 Vestry street, northeast corner, (7th floor); (Block 221, Lot 30), Borough of Manhattan, B.N. 1996-43.

582-43-A—F.D.—302 West 47th street, south side, 15 ft. west of 8th avenue and 767 8th avenue (Block 1037, Lot 36), Borough of Manhattan, 19145-L.F. and Decision.

583-43-BZ—H.B.B.—496-500 Watkins street (492 displayed), west side, 100 ft. north of Newport street (Block 3605, Lots 33 and 34), Borough of Brooklyn, B.N.1322-41.

584-43-A—H.B.Q.—39-01 Main street, southeast corner of 39th avenue (Block 4980, Lot 5), Flushing, Borough of Queens, Misc. 2867-43.

585-43-A—F.D.—1241 6th avenue and 101 West 49th street, northwest corner (Cellar); (Block 1002, Lot 29), Borough of Manhattan, 14514-L.F. and Decision.

586-43-A—F.D.—1274-1308 York avenue, east side, from East 68th to East 70th streets, 501-541 East 68th street and 502-504 East 70th street (Block 1480, Lot 1), Borough of Manhattan, 36403-L.C.

587-43-A—F.D.—165 Greene street, west side, 155 ft. north of West Houston street (Block 524, Lot 156), Borough of Manhattan, 32596-L.C. and Decision.

588-43-A—H.B.Q.—23-10 Bridge Plaza South and south side of Jane street, from Ely avenue (23rd street) to William (24th) street (1st, 2nd and 3rd floors); (Block 425, Lot 5), Long Island City, Borough of Queens, Misc. 283-43.

589-43-A—H.B.B.—88 Amity street, south side, 227 ft. west of Henry street (Block 295, Lot 14), Borough of Brooklyn, Alt. 3283-43.

590-43-A—F.D.—451 West 37th street, north side, 125 ft. east of 10th avenue (Block 735, Lot 7), Borough of Manhattan, 16085-L.F. and Decision.

591-43-A—H.B.B.—1241 41st street (1239 displayed), north side, 335 ft. east of 12th avenue (Block 5589, Lot 63), Borough of Brooklyn, Alt. 2838-43.

592-43-A—F.D.—391-405 7th avenue, east side, (Building A), 406-446 12th street, north side, (Buildings C, D, M, E, G, K) and 393-433 13th street, south side, (Buildings B, L, F, G, H); (Block 1098, Lots 1-29-55), Borough of Brooklyn, 10811-L.F. and Decision.

593-43-A—F.D.—170-172 2nd avenue, northwest corner of 13th street (1st floor); (Block 1025, Lot 49), Borough of Brooklyn, 10985-L.F. and Decision.

594-43-A—H.B.M.—132-140 West 125th street, south side, 250 ft. east of 7th avenue (Block 1909, Lot 12), Borough of Manhattan, Amendment to Alt. 556-43.

595-43-A—F.D.—113-143 West 18th street, north side, 149.4 ft. west of 6th avenue and 110-136 West 19th street (Block 794, Lot 17), Borough of Manhattan, 36392 L.C., 35680-L.C. and Decision.

596-43-SM—F.I.A.—Flameproof, manufactured by The Furniture Institute of America, Material.

597-43-SA—Water Treatment Corporation Automatic Proportionate Feeding Device, Appliance.

Restored to Calendar.

441-42-S—F.D.—36-20 to 36-46 33rd street, and 32-50 37th avenue, southwest corner (Block 601, Lot 1), Long Island City, Borough of Queens, Decision.

1180-40-SA—Central Electrically Operated Deluge System (Sprinkler System), Appliance.

1026-22-SA—The Anthony Nebulyte Oil Burner Model BG-H, for use with gas fuel, Appliance.

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

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Certificates of Occupancy, approved form	Nov. 30, 1943—Vol. 28, No. 48
Concrete Flat Slabs, Rules.....	July 13, 1937—Vol. 22, No. 28
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Concrete Rules (Hydrated Lime)....	Aug. 3, 1937—Vol. 22, No. 31
Elevator Rules	Mar. 3, 1936—Vol. 21, No. 9
Erection, Alteration, Repair, Excavation for and Demolition of Buildings	Nov. 23, 1943—Vol. 28, No. 47
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Wire Glass Rules (Amendment to Rule 505 of Industrial Code)...	Apr. 10, 1923—Vol. 8, No. 15

Approved appliances and materials are printed in the Supplement to the Bulletin of June 8 1943, Vol. 28, No. 23A.

DECEMBER 14, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, December 14, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications

109-43-BZ—Application, March 12, 1943, under section 7c of the zoning resolution, of Lama and Proskauer, applicants, on behalf of Samuel Sym, owner, to permit in a business use district, the extension in area of a building used as a wet wash laundry; premises 64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

1167-40-BZ—Application, December 11, 1940, amended November 15, 1943, under sections 7c and 21 of the zoning resolution, of Richard W. Hogue, Jr., applicant, on behalf of Iris Miller, owner, to permit partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building from showroom and garage to bottling and storage of wines; premises 50-04 Queens boulevard, south side, 40 ft. east of 50th street and 45-15 50th street (Block 2283, Lot 22), Woodside, Borough of Queens.

795-40-BZ—Application of John J. Gilmartin, applicant, on behalf of John Primavera, owner, reopened November 23, 1943, for consideration as to extension of term of permit—Application, previously granted on condition, under section 7h of the zoning resolution, permitting for a temporary term of two years, partly in a local retail use and partly in a residence use district, the parking and storage of more than five motor vehicles; premises 546-548 Ralph avenue, west side, 107 ft. 9½ in. north of St. John's place (Block 1381, Lot 44), Borough of Brooklyn.

207-31-BZ—Application of Henry Nordheim, applicant, on behalf of Emily A. Steenken, owner, reopened November 23, 1943, under sections 7c, 7i and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of a building from gasoline service station, garage for five motor vehicles and brake service to non-storage garage for five motor vehicles, motor vehicle repair shop and used car sales; premises 1146-1148 Southern boulevard, east side, 225 ft. north of East 167th street (Block 2745, Lot 11), Borough of The Bronx.

297-34-BZ—Application of Lama and Proskauer, applicants, on behalf of Anne Cosden, owner, reopened January 6, 1942, under section 7f of the zoning resolution, to permit in a business use district, for a term of years, the erection and maintenance of a gasoline service station with the accessory uses of auto laundry, lubricatorium and office (the use of the premises as a gasoline service station was previously denied under section 21 of the zoning resolution); premises 2705-2715 Nostrand avenue,

east side, 360 ft. north of Avenue N (Block 7666, Lot 25), Borough of Brooklyn.

Appeal from Administrative Decision

361-43-A—16 Central avenue, west side, 134.62 ft. south of Hyatt street (Block 6, Lot 75), St. George, Borough of Richmond.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 14, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday afternoon, December 14, 1943 at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions

28-35-A—601-649 West 26th street, 600-652 West 27th street, 200-214 13th avenue and 245-259 11th avenue (Block 672, Lot 1), Borough of Manhattan (reopened November 9, 1943).

516-43-A—57-46 Flushing avenue, 58-12 59th drive, 59-05 60th avenue and 59-83 59th street, east side, 214 ft. 10 in. south of 59th drive (Block 2649, Lots 113 and 135 and Block 2653, Lot 5), Maspeth, Borough of Queens (under section 35, General City Law re bed of mapped street—59th street).

524-43-A—793-801 Second avenue and 250 East 43rd street, southwest corner (10th floor); (Block 1316, Lots 27, 28, 28½, 29 and 30), Borough of Manhattan.

546-43-A—297 Dean street, north side, 100 ft. west of Third avenue (Block 191, Lot 41), Borough of Brooklyn.

506-43-S—22-28 Henry street and 73-79 Middagh street, northwest corner (basement floor); (Block 211, Lot 22), Borough of Brooklyn.

520-43-A—54-82 Broadway, southeast corner of Wythe avenue (basement, 2nd, 8th and 10th floors); (Block 2130, Lot 5), Borough of Brooklyn.

556-43-A—297-299 Elizabeth street, west side, 140 ft. south of Bleecker street (Block 521, Lot 37), Borough of Manhattan.

571-43-A—132-142 West 138th street, south side, 300 ft. east of Seventh avenue (Block 2006, Lot 52), Borough of Manhattan.

441-42-S—36-20 to 36-46 33rd street and 32-50 37th avenue, southwest corner (Block 601, Lot 1), Long Island City, Borough of Queens (reopened and restored to calendar, December 7, 1943; previously withdrawn).

444-43-A—1250 Atlantic avenue, south side, 100 ft. north of Nostrand avenue (Block 1200, Lot 21), Borough of Brooklyn.

550-43-A—Blocks bounded by Prince street, Park avenue, Carlton avenue and Myrtle avenue; 1-60 Fleet Walk, 330-342 Hudson Walk, 8-110 Monument Walk, 85-162 Navy Walk, 36-88 St. Edwards street, 145-161 North Elliott Walk, 287 Myrtle avenue, 14-32 Auburn place, 81-149 North Portland avenue, 56-151 North Oxford Walk, 68-138 Cumberland Walk, 135-140 Washington Walk and 60-131 Carlton avenue (Blocks 2041, 2042, 2043, 135, 136, 137 and super Blocks 1 and 2), Borough of Brooklyn.

Materials for Approval.

477-43-SM—Flameproof M Flameproofing Compound.

547-43-SM—Albi Flameproof Compound K and Albi Flameproof Compound X.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

DECEMBER 21, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, December 21, 1943* at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications

222-43-BZ—Application, May 11, 1943, under section 7h of the zoning resolution, of Arthur Weiser, applicant, on behalf of Bijou Realty Corporation, owner, to permit partly in a residence use and partly in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises west side of Riverdale avenue, 157-01 ft. north of West 232nd street (Block 3409E, Lot 374), Borough of The Bronx.

567-43-BZ—Application, November 20, 1943, under section 7c of the zoning resolution, of Fred Liese, applicant, on behalf of Gottscheer Central Holding Co., Inc., owner, to permit partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building to restaurant, meeting rooms, cabaret and dancing and, also, the maintenance of five individual garages; premises 657 Fairview avenue, north side, 77 ft. 3½ in. east of Linden street (Block 3485, Lot 1), Ridgewood, Borough of Queens.

Appeal from Administrative Decision

399-43-A—2531-2539 Broadway, west side, from West 94th street to West 95th street and 250-254 West 95th street (Block 1242, Lots 55 and 10), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 21, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday afternoon, December 21, 1943* at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions

592-42-S—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

593-42-A—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

460-43-S—984-986 Grand street, south side, 200 ft. 0⅛ in. west of Morgan avenue and 357-359 Maujer street (Block 3019, Lot 33), Borough of Brooklyn.

462-43-S—740 East 211th street, south side, 106.44 ft. east of Holland avenue (Block 4659, Lot 13), Borough of The Bronx.

Appliance and Material for Approval

368-43-SA—Grafibre Gib for Elevator Guide-Rail Shoe.

173-43-SM—Vitroliner-Porcelain Enameled Outlet Piping.

HARRIS H. MURDOCK, *Chairman.*

JANUARY 4, 1944, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing *Tuesday morning, January 4, 1944* at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Zoning Application

559-43-BZ—Application, November 23, 1943, under section 7h of the zoning resolution, of Lama and Proskauer, applicants on behalf of Rose Bennett, owner, to permit partly in a residence use and partly in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises 520-522 Lefferts avenue, south side, 254 ft. 6 in. west of Kingston avenue (Block 1332, Lot 27 and part of Lot 87), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, DECEMBER 7, 1943

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy.

The minutes of the regular meetings of the Board held on Tuesday morning, November 30, 1943, and Tuesday afternoon, November 30, 1943, were approved as printed in Bulletin No. 49, Volume 28.

ZONING CASES

1167-40-BZ

APPLICANT—Richard W. Hogue, Jr., for Iris Miller, owner.

SUBJECT—Application (decision of the acting borough superintendent) under sections 7c and 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building from showroom and garage to bottling and storage of wines.

PREMISES AFFECTED—50-04 Queens boulevard, south side, 40 ft. east of 50th street and 45-15 50th street (Block 2283, Lot 22), Woodside, Borough of Queens.

APPEARANCES—

For Applicant: Richard W. Hogue, Jr., Morris Weiss, Thomas Walsh and others.

For Opposition: Virgil Montgomery, Lawrence H. King, Mrs. Franklin Chace, Anna Rehn, Charles De Leonardo and others.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to December 14, 1943 at 10 A. M., for decision by the Board. No further argument.

304-24-BZ

APPLICANT—Koch and Wagner, for E. J. K. Corporation, owner.

SUBJECT—Application reopened October 13, 1943 (decision of the borough superintendent) under section 7c of the zoning resolution, to permit partly in residence use and partly in an unrestricted use district, the conversion of occupancy of an existing building from a public garage to a factory (The garage was previously granted by the Board).

PREMISES AFFECTED—102-112 Montgomery street, south side, 91 ft. 6 in. east of Washington avenue (Block 1192, Lot 30), Borough of Brooklyn.

MINUTES

APPEARANCES—

For Applicant: Arthur R. Koch, Harry L. Yakel, Edward J. Kufer and Edna E. Freese.

For Opposition: Harold Abrams.

For Administration: Fred Dahlem, Dep't of Housing and Buildings and Harold Klorfein, Dep't of Parks.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (304-24-BZ)

WHEREAS, this application under section 7b of the zoning resolution, permitting partly in a business use district and partly in an unrestricted use district, the erection and maintenance of a garage for the storage of more than five motor vehicles, affecting premises 102-112 Montgomery street, south side, 91 ft. 6 in. east of Washington avenue (Block 1192, Lot 30), Borough of Brooklyn, was granted by the Board on May 20, 1924, on certain conditions and the resolution amended on January 27, 1925; and

WHEREAS, the applicant requested a reopening and amendment of the resolution, to permit under section 7c of the zoning resolution, partly in a residence use district and partly in an unrestricted use district, the conversion of occupancy of an existing building from a public garage to a factory; and

WHEREAS, this case was reopened by vote of the Board on October 13, 1943, subject to usual procedure; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting, December 7, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that Montgomery street is in unrestricted, business and residence use districts; Washington avenue is in a residence use district and Franklin avenue is in a business use district; and

WHEREAS, the decision of the borough superintendent, dated September 23, 1943, re Alt. Applic. 2779-43, reads:

"The change in use of a building located partly within a residence and partly within an unrestricted use district from a public garage to factory is contrary to Sect. 3 and Sect. 6 of the Zoning Resolution.

Note: The original permit No. 15168 of 1924 was granted by the Board of Standards and Appeals under Cal. No. 304-24-BZ."

and

WHEREAS, the applicant states that the existing building is of Class 3 construction, two stories in height, having a frontage of 92 ft. 15½ in. and a depth of 91 ft. 5¼ in., irregular in area; that the westerly portion extends for a distance of approximately 9 feet into a residence use district, the remainder being in an unrestricted use district and that it is proposed to alter and convert the existing building from a garage for more than five motor vehicles to a factory for processing glassware.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted on May 20, 1924, as amended on June 27, 1925, so that as amended, the resolution shall read:

"Resolved, that the Board of Appeals does hereby make a variation in the application of the use district regulations of the zoning resolution, and that the application be and it hereby is granted on condition that the building shall be restricted to a two (2) story structure above grade; that the rear and westerly gable wall shall be unpierced throughout its entire height and length; that the front elevation shall be finished in face brick with architectural terra cotta or stone trimmings, and that the building zone resolution shall be complied with in all other respects.

"Resolved further, that in the event the owner desires to change the occupancy of the building to a factory as

proposed, such change of occupancy may be permitted, on condition that the building is not increased in height or area; that in all other respects, the requirements of the resolutions adopted by the Board on May 20, 1924 and January 27, 1925, shall be complied with as to restrictions against windows in the rear and westerly walls and the construction of the front in face brick and architectural terra cotta; that the existing ramp shall be dispensed with and new stairways constructed, in compliance with the requirements of the State Labor Law and the Building Code, substantially as indicated on plans filed with this application marked 'Received November 4, 1943'; that no roof signs or signs extending more than one foot beyond the building line shall be constructed or maintained on the building; that adequate muffling of machinery shall be provided, to minimize any sounds emanating from the building and any exhaust shall be located away from the residential district; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that a new certificate of occupancy shall be obtained; that all permits shall be obtained and all work completed within one year from the date of this amended resolution."

339-37-BZ

APPLICANT—Lawrence S. La Rosa, for Sarah Lyons, owner.

SUBJECT—Application reopened November 16, 1943 for consideration as to extension of permit—Application (decision of the commissioner of buildings) previously granted on condition, under section 21 of the zoning resolution, permitting in a business use district, the conversion of occupancy of a building occupied as garage for five motor vehicles, stores, club rooms and offices, so as to use the garage portion as a garage for five motor vehicles and motor vehicle repair shop.

PREMISES AFFECTED—635-637 Morris Park avenue, west side, 35.9 ft. south of Unionport road (Block 4011, Lot 23), Borough of The Bronx.

APPEARANCES—

For Applicant: Lawrence S. La Rosa.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Permit extended.

THE VOTE TO EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (339-37-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in a business use district, the conversion of occupancy of a building occupied as a garage for five motor vehicles, stores, club rooms and offices, so as to use the garage portion as a garage for five motor vehicles and motor vehicle repair shop, affecting premises 635-637 Morris Park avenue, west side, 35.9 ft. south of Unionport road (Block 4011, Lot 23), Borough of The Bronx, was granted by the Board on March 1, 1938, on certain conditions and the applicant requested an extension of the permit; and

WHEREAS, this case was reopened by vote of the Board on November 16, 1943 and set for hearing on December 7, 1943; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting December 7, 1943, after due notice by application in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the Board deemed the applicant is entitled to temporary relief under section 7i of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted March 1, 1938, only

MINUTES

so far as it has reference to the term of the permit, so that as *amended* this portion of the resolution shall read:

"*granted* under section 7i of the zoning resolution for a term of five (5) years from the date of this *amended* resolution, to permit * * * and that a new Certificate of Occupancy shall be obtained."

177-42-BZ

APPLICANT—Lama and Proskauer, for John F. McKenna, owner.

SUBJECT—Application reopened October 27, 1942 (decision of the borough superintendent) under sections 7c and 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the erection and maintenance of a business building to be used as stores, bowling alleys and skating rink. Also the location of the entrances and show windows of the proposed business building are contrary to the requirements of Section 7A of the Zoning Resolution.

PREMISES AFFECTED—582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: Josephine Asselta, Mrs. Harry A. Reybert, Blanche Jones and others.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (177-42-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting partly in a business use district and partly in a residence use district, for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 582-610 86th street, southeast corner of Gatling place (Block 6054, Lots 19, 20, 22 and 27), Borough of Brooklyn, was granted by the Board on July 21, 1942, on certain conditions and the applicant requested a reopening and consideration of a new proposal under sections 7c and 21 of the zoning resolution, to permit partly in a business use district and partly in a residence use district, the erection and maintenance of a business building to be used as stores, bowling alleys and skating rink; and

WHEREAS, this case was reopened by vote of the Board on October 27, 1942, subject to usual procedure; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, December 7, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that 86th street is in a business use district; 88th street is in a residence use district; Gatling place is in residence and business use districts and Dahlgren place is in residence and business use districts; and

WHEREAS, the decisions of the borough superintendent, dated October 15, 1942, December 6, 1943, re N. B. Applic. 109-42, read:

"1—Proposed structure to be occupied for business use to be erected on premises located partly in a business zone and partly in a residential zone is contrary to Article II, Section 3 of the Zoning Resolution.

2—Entrances to business occupancy located more than 25 feet from corner of business premises adjoining a residential use zone is contrary to Article IV, Section 7-A of the Zoning Resolution."

and

WHEREAS, the applicant states that the premises consist of a plot having a frontage of 251 ft. on 86th street, 189 ft. on Gatling place and 158 ft. on Dahlgren place; that

the northerly portion of the plot, for a depth of 100 feet, is located in a business use district—the remainder of plot is in a residence use district; that the plot is now used for the parking and storage of more than five motor vehicles under a variation granted by the Board for a temporary period; that it is proposed to erect upon the plot a Class 3 building, one story and cellar in height, having a frontage of 251 ft. on 86th street, 189 ft. on Gatling place and 158 ft. on Dahlgren place; that it is proposed to use the first story of proposed building for stores (including a bar and grille), skating rink and sports arena and to use the cellar for storage, boiler room and bowling alleys (including a bar and lunch counter); that it is also proposed to erect entrances (exceeding 3 ft. 6 in. in width) to the business occupancy and that these exits are located in a residence use district and are more than 25 feet from the business street and do not comply with Sec. 7A of the Zoning Resolution; and

WHEREAS, the lots 19, 20, 22 and 27 have been consolidated into one lot now designated as Lot 20; and

WHEREAS, the area was inspected by a Committee of the Board; and

WHEREAS, the applicant changed the basis of his application to come under Sections 7c and 21 of the zoning resolution; and

WHEREAS, the Board deemed that this was a proper case in which to exercise its discretion to grant a variance under section 7-c of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution, and that the applicant be and it hereby is *granted*, under section 7c thereof, to permit the building as proposed, to be extended into the residential use district, *on condition* that the building within such district, shall not exceed one story and cellar in height; that any windows on the street line on Gatling place and Dahlgren place within the residential district, shall be fixed and constructed of approved glass block; that there shall be no windows on the rear lot line; that no skylights shall be located within the roof; that the building shall be mechanically ventilated and any ventilation equipment on the roof shall be within the business use area and shall exhaust toward 86th street; that the building shall be of fireproof construction throughout; that there shall be no entrance or exits within the residential area; that the requirements of section 7A shall be complied with except that required exits may be constructed within the business use area as indicated; that all entrances shall be on 86th street and any exits from Gatling place or Dahlgren place, shall be solely within the business use district; that no signs shall be erected on the roof of the building and any signs advertising the use, shall be solely within the business use district; that the building shall be insulated throughout and such insulation shall be adequate to keep any noise from bowling alleys or skating rink from emanating to the outside of the building; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that all permits required shall be obtained and all work completed within one year from the date of this resolution; that complete plans shall be submitted to the Board for approval before same are filed with the borough superintendent; that the parking and storage use permitted until July 21, 1944, may be continued until such date, but shall be discontinued upon commencement of the construction of the building as herein proposed.

855-19-BZ

APPLICANT—Alfred H. Eccles, for Hafner Associates, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—re Application (decision of the acting borough superintendent) permitting in a residence use district, the creation of two new mezzanines in the third story of a factory building (previously granted by the Board).

MINUTES

PREMISES AFFECTED—19-19 24th (Woolsey) avenue, northeast corner of 19th (Barclay) street, (Block 890, part of Lot 1), Astoria, Borough of Queens.

APPEARANCES—

For Applicant: Alfred H. Eccles.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (855-19-BZ)

WHEREAS, this application, permitting partly in a business use and partly in a residence use district, the extension in area and in height of an existing factory building, affecting premises 19-19 24th (Woolsey) avenue, northeast corner of 19th (Barclay) street (Block 890, part of Lot 1), Astoria, Borough of Queens, was granted by the Board on December 10, 1919, on certain conditions, resolution amended on May 25, 1943, and the applicant requested a further amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on December 10, 1919, as amended through May 25, 1943, so that as amended, the resolution shall read:

" * * * that the building may be extended as proposed, by construction of mezzanine balconies within the third story as permitted by resolution adopted under Cal. 57-43-A, as amended December 7, 1943."

504-21-BZ

APPLICANT—Philip Freshman, for Harry C. Treber, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution as to temporary substitute use—re Application (decision of the superintendent of buildings) granted on condition, permitting in a business district, the erection of a garage to be used as salesroom and service station for more than five motor vehicles.

PREMISES AFFECTED—57-59 Nassau avenue, north side, 75 ft. west of Lorimer street (Block 2644, Lot 43), Borough of Brooklyn.

APPEARANCES—

For Applicant: Philip Freshman.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (504-21-BZ)

WHEREAS, this application, permitting in a business use district, the erection and maintenance of a garage to be used as salesroom and service station for more than five motor vehicles, affecting premises 57-59 Nassau avenue, north side, 75 ft. west of Lorimer street (Block 2644, Lot 43), Borough of Brooklyn, was granted by the Board on July 19, 1921, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on July 19, 1921, so that as amended, the resolution shall read:

"Resolved, that the Board of Appeals does hereby *make a variation* in the application of the use district regulations of the Zoning Resolution, and that the application be and it hereby is *granted* on condition that the structure be used for minor repairs and adjustments of motor vehicles, that the westerly wall of the proposed building shall be unpierced throughout its entire length and height and at no time shall the premises be used as a public garage.

Resolved further, that in the event the owner desires to occupy this building during the term of the present emergency and for not more than six months thereafter, in connection with the building adjoining to the west, as proposed on plans filed with the borough superintendent, under Alt. Applic. 3615-1943, such change of use may temporarily be permitted, provided the building is not increased in height or area and is not structurally altered, and provided such uses shall be discontinued at the termination of such temporary term; that any interior partitions erected, shall be removed before the occupancy is again restored to the occupancy as previously permitted; that any opening temporarily constructed between this building and the adjoining building, shall comply with the requirements therefor, but shall be removed before the former occupancy is restored and the opening bricked up with approved masonry."

314-35-BZ

APPLICANT—Shelton Holding Corp., owner.

SUBJECT—Application for consideration—Reopening and extension of permit—re Application (decision of the borough superintendent) under section 7h of the building zone resolution, permitting for a temporary period of two (2) years, in a retail use district, the use of a vacant plot of ground as a parking space for the storage of more than five (5) motor vehicles.

PREMISES AFFECTED—15-23 West 43rd street, north side, 225 ft. west of Fifth avenue (Block 1259, Lots 25, 28 and 28½), Borough of Manhattan.

APPEARANCES—

For Applicant: Harry Yahr.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (314-35-BZ)

WHEREAS, this application, under section 7h of the zoning resolution, permitting for a period of not more than two years in a retail district, the use of a vacant plot of ground as a parking space for the storage of more than five motor vehicles, affecting premises 15-23 West 43rd street, north side, 225 ft. west of Fifth avenue (Block 1259, Lots 25, 28 and 28½), Borough of Manhattan, was granted by the Board January 14, 1936, on certain conditions, permit extended January 11, 1938, December 12, 1939, and November 25, 1941, and the applicant requests a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on January 14, 1936, as last amended by resolution of November 25, 1941, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"* * * granted under section 7h for a temporary term of two (2) years from the date of this *amended* resolution."

MINUTES

1478-39-BZ

APPLICANT—Hillside Jamaica Home Building Co., owner.

SUBJECT—Application for consideration—Reopening and extension of permit—re Application (decision of the borough superintendent) under section 7h of the building zone resolution, permitting in a business use district, for a temporary period of not more than two years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—175-01 to 175-65 Hillside avenue, northeast corner of 175th street (Block 927, Lot 1 and part of Lots 3, 16 and 18), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Myron Degnon.

For Opposition: Harold Klorfein, Dept. of Parks.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (1478-39-BZ)

WHEREAS, this application, under section 7h of the zoning resolution, permitting in a business use district, for a temporary term of two years, the parking and storage of more than five motor vehicles, affecting premises 175-01 to 175-65 Hillside avenue, northeast corner of 175th street (Block 927, Lot 1 and part of Lots 3, 16 and 18), Jamaica, Borough of Queens, was granted by the Board March 12, 1940, on certain conditions, the time to obtain permits and complete the work extended June 18, 1940, and February 11, 1941, and permit extended on October 15, 1941, and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted by the Board on March 12, 1940, as amended through October 15, 1941, only so far as it has reference to the term of the permit, so that as amended this portion of the resolution shall read:

" * * * *Granted* under section 7h for a term of two (2) years, to permit the parking and storage of more than five (5) motor vehicles, *on condition* * * * "

586-42-BZ

APPLICANT—H. B. Whiting, for Socony-Vacuum Oil Co., Inc., owner.

SUBJECT—Application for consideration—reopening and extension of time to complete—re Application (decision of the borough superintendent) under section 7c of the zoning resolution, granted on condition, permitting in a business use district, the alteration and conversion of an accessory building on an existing gasoline service station from store room to car washing and lubritorium.

PREMISES AFFECTED—168 Richmond terrace and 1-7 Stuyvesant place, southerly intersection (Block 12, Lot 11), St. George, Borough of Richmond.

APPEARANCES—

For Applicant: H. B. Whiting.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (586-42-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting in a business use district, the alteration and conversion of an accessory building on an existing gasoline service station from store room to car washing and lubritorium, affecting premises 168 Richmond terrace and 1-7 Stuyvesant place, southerly intersection (Block 12, Lot 11), St. George, Borough of Richmond, was granted by the Board on December 1, 1942, on certain conditions and the applicant requested an extension of time to complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on December 1, 1942, only so far as it has reference to the completion of the work, so that as amended this portion of the resolution shall read:

" * * * that in view of statement by applicant that all permits have been obtained, all work shall be completed within one (1) year from the date of this *amended* resolution * * * "

APPEALS FROM ADMINISTRATIVE DECISIONS

994-40-A

APPLICANT—Lama and Proskauer, for Empire State Varnish Co., owner.

SUBJECT—Application for consideration—reopening and extension of permit—re Appeal from decisions of the borough superintendent; previously granted on condition.

PREMISES AFFECTED—34-40 Varick street, east side, 100 ft. 8½ in. south of Bridgewater street (Block 2664, Lots 12, 13, 14, 15 and 22), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (994-40-A)

WHEREAS, this appeal from decisions of the borough superintendent, affecting premises 34-40 Varick street, east side, 100 ft. 8½ in. south of Bridgewater street (Block 2664, Lots 12, 13, 14, 15 and 22), Borough of Brooklyn was granted by the Board November 26, 1940, on certain conditions, permit extended December 2, 1941 and resolution amended and permit extended on November 10, 1942, and the applicant requested a further extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on November 26, 1940, as amended through November 10, 1942, only so far as it has reference to the term of the permit, so that as amended this portion of the resolution shall read:

"*Granted* for a term of one (1) year from the date of this *amended* resolution, *on condition* * * * "

57-43-A

APPLICANT—Alfred H. Eccles, for Hafner Associates, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—re Application (decision of the borough superintendent and an order and decision of the fire commissioner).

MINUTES

PREMISES AFFECTED—19-01 to 19-27 24th (Woolsey) avenue, 23-01 to 23-91 19th (Barclay) street, 19-02 to 19-28 23rd terrace (Phillips place) and 23-72 to 23-90 21st street (Van Alst avenue); (Block 890, Lot 1), Astoria, Borough of Queens.

APPEARANCES—

For applicant: Alfred H. Eccles.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (57-43-A)

WHEREAS, this appeal from an order and decision of the borough superintendent, affecting premises 19-01 to 19-27 24th (Woolsey) avenue, 23-01 to 23-91 19th (Barclay) street, 19-02 to 19-28 23rd terrace (Phillips place) and 23-72 to 23-90 21st street (Van Alst avenue); (Block 890, Lot 1), Astoria, Borough of Queens, was granted by the Board on May 25, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on May 25, 1943, only so far as it has reference to the distance the material shall be piled to the sprinkler heads, so that as amended, this portion of the resolution shall read:

"* * * that such material shall not be piled within 2 ft. of the sprinkler head, except that on the mezzanine where loom patterns are stored, such patterns may be piled not nearer than 18 in. to sprinkler heads, provided the flooring immediately underneath the loom patterns is slotted * * *"

Adjourned: 12:05 P.M.

JOSEPH J. DOYLE, Chief Clerk.

REGULAR MEETING

TUESDAY AFTERNOON, DECEMBER 7, 1943

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy.

APPEALS FROM ADMINISTRATIVE DECISIONS

592-42-S

APPLICANT—Sidney Daub, for Simon Finkelstein, owner.
SUBJECT—Application reopened and restored to calendar September 14, 1943—re Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: Sidney Daub.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to December 21, 1943 at 2 P.M. at request of applicant.

593-42-A

APPLICANT—Sidney Daub, for Simon Finkelstein, owner.

SUBJECT—Application reopened and restored to calendar September 14, 1943—re Appeal from a decision of the borough superintendent (previously dismissed for lack of prosecution).

PREMISES AFFECTED—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: Sidney Daub.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to December 21, 1943 at 2 P.M. at request of applicant.

433-43-A

APPLICANT—Scott and Prescott, for Estate of Edith C. Bryce, owner (Oluf Mikkelsen, lessee).

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—387-393 Fourth avenue and 101-113 East 27th street, northeast corner (basement and 1st floor); (Block 883, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: William O. Prescott.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal placed on Reserve Calendar.

460-43-S

APPLICANT—Richard Shutkind, for George Leisenheimer, owner.

SUBJECT—Variation of the Labor Law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—984-986 Grand street and 357-359 Maujer street, south side, 200 ft. $\frac{1}{8}$ in. west of Morgan avenue (Block 3018, Lot 33), Borough of Brooklyn.

APPEARANCES—

For Applicant: Richard Shutkind.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to December 21, 1943 at 2 P. M., for further consideration by the Board. Applicant to file plans with the Borough Superintendent.

462-43-S

APPLICANT—John Bruccoli, for Charles Maddi, Rose Maddi and Angelina Maddi, owners.

SUBJECT—Variation of the Labor Law as cited in a decision of the health commissioner.

PREMISES AFFECTED—740 East 211th street, south side, 106.44 ft. east of Holland avenue (Block 4659, Lot 13), Borough of The Bronx.

APPEARANCES—

For Applicant: John Bruccoli and Anthony M. De Rose.

ACTION OF BOARD—Laid over to December 21, 1943 at 2 P. M., at request of Health Department.

516-43-A

APPLICANT—Saul Goldsmith, for Welbilt Stove Co., Inc., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—57-46 Flushing avenue, 59-05 60th avenue, 58-12 59th drive and 59-83 59th street, east side, 214 ft. 10 in. south of 59th drive (Block 2649, Lots 113, and 135 and Block 2653, Lot 5), Maspeth, Borough of Queens (Under section 35, General City Law re bed of mapped street—59th street).

MINUTES

APPEARANCES—

For Applicant: Saul Goldsmith and Herman Geiger.
For Opposition: Fred Simon, Carl Stack, Mrs. Fred Simon, Mrs. Muller, Andrew J. Reiff and others.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to December 14, 1943 at 2 P. M., for further consideration by the Board. Applicant to submit complete plans.

524-43-A

APPLICANT—John Ewbank, for Continental Realty Investing Co., Inc., owner (Ralph L. Evans, d/b/a R. L. Evans Associates, lessee).

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—793-801 Second avenue and 250 East 43rd street, southwest corner (10th floor); (Block 1316, Lots 27, 28, 28½, 29 and 30), Borough of Manhattan.

APPEARANCES—

For Applicant: John Ewbank.
For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Laid over to December 14, 1943 at 2 P. M., for further consideration by the Board.

546-43-A

APPLICANT—Colony House, Inc., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—297 Dean street, north side, 100 ft. west of Third avenue (Block 191, Lot 41), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sara McCaulley.
For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Laid over to December 14, 1943 at 2 P. M., for further consideration by the Board.

441-42-S

APPLICANT—Saul Hammer, for General Register Corporation, lessee, for Herber Callman, owner.

SUBJECT—Application for consideration—reopening and restoration to calendar (previously withdrawn) re Variation of the Labor Law, as cited in a decision of the fire commissioner.

PREMISES AFFECTED—36-20 to 36-46 33rd street, southwest corner and 32-50 37th avenue (Block 601, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Saul Hammer.

ACTION OF BOARD—Application reopened and restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

405-43-A

APPLICANT—Benjamin Rudnick, lessee, for Marx Estate, owner.

SUBJECT—Appeal from decisions re an order of the fire commissioner.

PREMISES AFFECTED—40-30 162nd street, west side, 78 ft. north of Lucerne place (Block 991, Lot 4), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Benjamin Rudnick.
For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (405-43-A)

WHEREAS, Benjamin Rudnick, lessee for Marx Estate, owner, filed on August 17, 1943, an appeal from an order of the fire commissioner, affecting 40-30 162nd street, west side, 78 ft. north of Lucerne place (Block 991, Lot 4), Flushing, Borough of Queens; and

WHEREAS, Order 93842-LC, issued by the fire commissioner January 18, 1943, and repeated in a decision of the fire commissioner dated August 11, 1943, reads:

"You are hereby notified that an inspection of the above premises, used to store and use fuel oil, shows that the following must be done before the permit requested by you can be issued:

FORTHWITH

1. Discontinue drawing oil from 275 gallon tank through opening in bottom of same and seal this opening. Rule 4.2, Oil Burner Rules.

2. Provide an approved fuel oil pump located above the top of the tank, for filling safety can. Rule 4.2, Oil Burner Rules."

and

WHEREAS, the applicant states that the building is three stories (30 ft.) in height; 19 ft. by 61 ft. in area; of Class 3 construction; erected 1925; located in a business use district and used and occupied as follows: 1st floor, store (tailoring and pressing), 3 persons; 2nd floor, dwelling; third floor, dwelling, for which certificate of occupancy has been issued; and

WHEREAS, the applicant was convicted and fined in Municipal Term, Magistrates Court, for storing fuel oil without a permit; and

WHEREAS, the applicant contends that it is impossible to obtain approved type pump, as required by the fire commissioner; that a McDonald No. 890 Rotary Hand Pump equipped with a sealed lock when not in use, has been installed; and

WHEREAS, the applicant has filed a communication from the Amco Corporation, installers of the pump, in which it is stated that the McDonald No. 890 Rotary Hand Pump which has been installed, is designed and constructed specially for handling petroleum products; than an approved pump is not obtainable at the present time, due to the fact that practically all pump companies have discontinued production, in order to devote their entire output to war work; and

WHEREAS, an examination of fire department folder No. 34889.03, indicates that there is a 275 gallon tank in cellar, not connected to a burner; that oil is supplied to a 6 gallon tank on the first floor, by safety cans; that the burner, which is located on the first floor, is a Kres Kno, using No. 1 range oil, and used in connection with the operation of the pressing machine boiler.

Resolved, that the order of the fire commissioner, acting on Order 93842-LC, be and it hereby is *modified* and that appeal be and it hereby is *granted on condition* that in all other respects, the installation of the tank and the Kres Kno Oil Burner shall comply with all laws, rules and regulation applicable thereto; that the McDonald No. 890 Rotary Hand Pump may be used, when installed at the top of the tank for filling safety cans as proposed, until an approved make of pump has been obtained and installed; that the manufacturer of the McDonald pump be requested to file with this Board an application for test and approval.

MINUTES

469-43-S

APPLICANT—Selectar Mfg. Corporation (lessee), for Schulte Real Estate Co., Inc., owner.

SUBJECT—Variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—21-10 49th avenue, southeast corner of 21st street (3rd and 4th floors); (Block 71, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: William J. Kehoe.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (469-43-S)

WHEREAS, Selectar Manufacturing Corporation (lessee), for Schulte Real Estate Company, Incorporated, owner, filed September 27, 1943, an appeal from a decision of the fire commissioner, affecting premises 21-10 49th avenue, southeast corner 21st street (3rd and 4th floors); (Block 71, Lot 1), Long Island City, Borough of Queens; and

WHEREAS, the decision of the fire commissioner dated September 16, 1943, reads:

"We have your letter of August 30, requesting permission to install panic bolts on the exit doors of your premises. You will please be informed that your application must be denied for the reason that the provisions of the Labor Law require that all exit doors leading into street or out of a factory must be unlocked; unbolted and unfastened during working hours. Modifications may be obtained from the Board of Standards and Appeals, the fire commissioner having no authority to modify the provisions of the Labor Law."

and

WHEREAS, the applicant states the building is seven stories (86.6 ft.) in height; 200.3 ft. by 139.9 ft. in area; of Class 1 construction; erected in 1915; located in an unrestricted use district and used and occupied as follows: sub-cellar, boiler room and machinery room, no persons; basement, office, warehouse for storage of correspondence records and miscellaneous material, 2 persons; 1st floor, manufacture of electronic instruments and offices, 10 persons; 2nd floor, manufacture of secret devices for the U. S. Government, 83 persons; 3rd floor, manufacturing radar parts, phonograph parts and accessories, 90 persons; 4th floor, same, 70 persons; 5th floor, manufacture of aeronautical parts, 90 persons; 6th floor, same 80 persons; 7th floor, same and drafting rooms and offices, 51 persons, and manufacture of radar parts, phonograph parts and accessories, 25 persons; that the building is equipped with a standpipe system, interior fire alarm system and fire drills are maintained; that there are two 4 ft. wide fireproof stairs leading from roof to street; and

WHEREAS, Certificate of Occupancy Q27656, issued October 6, 1942, permits the use of the building for light manufacturing throughout, 92 persons each floor from the 1st to 6th floors inclusive, 120 lbs. live load; 66 persons on the 7th floor, 75 lbs. live load; and

WHEREAS, the applicant was informed by the Board that the building is being used in violation of said certificate of occupancy and that a new certificate of occupancy permitting the existing use should be obtained; and

WHEREAS, the applicant has filed copy of a communication dated December 2, 1943, addressed to the owner by the applicant, indicating the owner has been notified of the necessity for obtaining a new Certificate of Occupancy; and

WHEREAS, the applicant was convicted and fined in Municipal Term, Magistrates Court, on a charge of keeping a door locked, bolted or fastened leading into or out of a

factory when there were 100 persons employed therein; and

WHEREAS, the applicant has filed a copy of a recommendation of the Plant Security Officer, Second Service Command, U. S. Army, that doors be equipped with panic locks as follows: two each on third and fourth floors, east and west doors leading to 49th avenue stairway and one door each on third and fourth floors, south doors leading to 21st street stairway; and

WHEREAS, the applicant has filed plans marked "Received September 27, 1943," indicating the doors on which it is proposed to install panic bolts on the third and fourth floors; and

WHEREAS, the applicant contends that the panic bolts have been ordered installed by the Second Service Command, as indicated by plans filed with this appeal and that approved type panic bolts have been purchased and will be installed by a contractor.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the requirements of the labor law, as cited in the decision of the fire commissioner dated September 16, 1943, and that the application be and it hereby is granted on condition that panic bolts shall be installed only on the doors at stairways on the third and fourth floors, where indicated on the stairway leading to 49th avenue and on the door leading to 21st street, where leading from loft into the stairway; that the door leading from the mens toilet to stairway on each of such floors shall not be equipped with panic bolts; that bells or buzzers shall be installed at all such doors; that panic bolts shall be of approved type; that this variance is granted only during the term of the present emergency; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board under Cals. 247-42-S and 115-43-S.

473-43-S

APPLICANT—Millie Anton, owner (The Allen D. Cardwell Mfg. Corporation, lessee).

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—52-54 Sands street and 131-147 Adams street, southeast corner (2nd floor); (Block 86, Lot 7), Borough of Brooklyn.

APPEARANCES—

For Applicant: Henry W. Carpenter.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (473-43-S)

WHEREAS, Millie Anton, owner (The Allen D. Cardwell Manufacturing Company, lessee), filed September 28, 1943, an appeal from a decision of the borough superintendent, affecting premises 52-54 Sands street, and 131-147 Adams street, southeast corner (2nd floor); (Block 86, Lot 7), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent dated September 9, 1943, on B.N. Applic. 1219-43, reads:

"1. Installing of locks on doors is contrary to Sec. 272, Par. 3 of Labor Law."

and

WHEREAS, the applicant states the building is two stories (34 ft.), in height; 118 ft. by 50 ft. in area; of Class 1 construction; erected 1922; located in an unrestricted use, B area district, and used as follows: 1st floor, machine shop, 30 persons; 2nd floor, manufacturing electrical instruments, 58 persons; that the building is equipped with two 4 ft. wide fireproof stairs, equipped with kalamein doors which are not

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self-closing; that these stairs lead direct to street but do not lead to roof; and

WHEREAS, the applicant contends that a communication was received from the Second Service Command, U. S. Army, recommending the installation of locks on rear doors of 1st and 2nd floors leading to street and stairway; that the stairway referred to leads to and is for the service of the tenant on the 2nd floor; that up to date, this stairway has not been in use; and

WHEREAS, the applicant has filed copy of recommendation of the U. S. Army Plant Security Officer, dated June 16, 1943; and

WHEREAS, the applicant has filed plan marked "Received September 28, 1943" indicating the proposed installation of panic bolt on the door leading to stairway at the southwest corner of building, 2nd story level and a panic bolt to be installed at the foot of such stairway leading to street.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the borough superintendent acting on B.N. 1219-43, Objection 1, and that the appeal be and it hereby is *granted on condition* that panic bolts shall be installed only at the top and bottom of the rear stairway, as proposed; that such panic bolts shall be of an approved type; that the doors to the front stairway shall be made to swing in the direction of exit and shall be made self-closing; that this variance shall continue only during the term of the present emergency; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as modified by the Board under Cal. Nos. 677-38-A and 1047-40-A.

485-43-A

APPLICANT—Robert Teichman, for City Bank Farmers Trust Company, trustee.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—289-291 Eighth avenue, west side, 82 ft. 2 in. north of West 24th street (Block 748, Lots 41 and 42), Borough of Manhattan.

APPEARANCES—

For Applicant: Robert Teichman and Eugene M. Seccia.

For Administration: Insp. Maher, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy. 4
Negative 0

THE RESOLUTION (485-43-A)

WHEREAS, Robert Teichman, for City Bank Farmers Trust Company, trustee, filed October 13, 1943, an appeal from an order and decision of the fire commissioner; premises 289-291 Eighth avenue, west side, 82 ft. 2 in. north of West 24th street (Block 748, Lots 41 and 42), Borough of Manhattan; and

WHEREAS, Order 17117-LF issued by the Fire Commissioner, February 4, 1943, reads:

"1. Provide a fixed fire extinguishing system or other means for the extinguishment of fire satisfactory to the Fire Commissioner, in cellar used by Wolfs Department Store, only Building Nos. 289-291 Eighth Avenue, Manhattan. C.19-161.0 Adm. Code."

and

WHEREAS, under date of July 3, 1943, the applicant requested the fire commissioner for modification of Order 17117-LF, to permit the existing exterior stairs located on the front of 287 Eighth avenue to be used as an entry to the cellar of 289-291 Eighth avenue, due to the practical impossibility to acquire materials to comply with the order; that in such request for modification addressed to the fire commissioner, it was proposed to form a fireproof entrance in the cellar of 287 Eighth avenue, using the present exterior stairs

and opening a doorway to 289 Eighth avenue, protected by a fireproof door and to open an additional doorway between the cellars of 289-291 Eighth avenue at the front; to provide six hose openings and at least 10 in. by 10 in. in the floor of the store, so that three of these openings will be provided for each portion of the cellar of 289-291 Eighth avenue and to provide directional signs at the base of show window at 287 Eighth avenue, indicating the entrance to the cellar at 289-291 Eighth avenue, all as indicated on plans filed herewith marked "Received October 13, 1943"; and

WHEREAS, on September 13, 1943, the fire commissioner made the following reply to such request for reconsideration of Order 17117-LF:

"In reply to your request for reconsideration of Order 17117-LF requiring a fire extinguishing system in the cellar of 289-291 Eighth avenue, a reinspection has been made and it is the decision of this Department that the alteration you propose in lieu of such a system, should be submitted by you to the Board of Standards and Appeals for their consideration."

and

WHEREAS, the applicant states the building is 3 stories, (40 ft.) in height, 37 ft. by 95 ft. in area; Class 3 construction; erected 1872; located in a retail use district and used and occupied as follows: Cellar, storage, no persons; 1st floor, store (dry goods), 4 persons; 2nd floor, mfg. metal goods, 20 persons; 3d floor, vacant; that the building is equipped with an interior fire alarm system and fire drills are maintained; that there is one 36 in. wide wood stairway, extending from roof bulkhead direct to street, enclosed with wood studs, lath and plaster and wood sheathing, equipped with wood self-closing doors and there is one fire escape at rear leading to roof by stairs with egress from termination in yard to adjoining premises at rear and that the windows along the course of fire escape are fireproof; and

WHEREAS, applicant contends that the fire department requires the installation of a non-automatic sprinkler system throughout the cellar with siamese connection on the street and installation of an automatic fire alarm system; that due to war conditions, it is impossible to secure the materials; that in lieu of compliance with the order, a proposal has been submitted to the fire department to use the outside cellar stair in 287 Eighth avenue as an entrance for firemen to the cellar of 289-291 Eighth avenue, both buildings being under the same ownership and to cut six hose openings in floors of store in aisles as indicated on plans filed with this appeal, such openings to be 10 in. by 10 in. and painted bright yellow and it therefore requests the Board to modify the order of the fire commissioner.

Resolved, that Order 17117-LF issued by the fire commissioner be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the sprinkler system as required, shall be installed as soon as material therefor is available upon release for such use by the federal authorities; that meanwhile there shall be constructed and maintained a means of access to the cellar through the adjoining building constructed and maintained as indicated on plans marked "Received October 13, 1943" and access holes for fire hose shall be constructed and maintained in the first floor construction, as indicated on such plan; that the rear cellar stair shall be enclosed in 3-inch gypsum block with fireproof self-closing door, as indicated on such plan; that the material stored within the basement shall be stored not nearer than 18 inches to the ceiling; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

579-43-A

APPLICANT—S. J. Kessler and Son, for Sadie Wander, owner (Wander Iron Works, lessee).

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—421 Eastern boulevard, northwest corner of East 144th street (Block 2601, Lot 67), Borough of The Bronx.

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APPEARANCES—

For Applicant: Sam. J. Kessler.

For Administration: Fred Dahlem, Dept. of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (579-43-A)

WHEREAS, S. J. Kessler and Son, for Sadie Wander, owner (Wander Iron Works, lessee), filed December 1, 1943, an appeal from a decision of the borough superintendent, affecting 421 Eastern boulevard, northwest corner East 144th street (Block 2601, Lot 67), Borough of The Bronx; and

WHEREAS, the decision of the borough superintendent, dated December 7, 1943, on Alt. Applic. 537-43, reads:

"1. Pent house as proposed must be considered a second story.

2. Provide two stair exits from second floor as per Section 270 Labor Law."

and

WHEREAS, the applicant states that the building is one story (14 ft.) in height; 69 ft., irregular, by 135 ft. irregular in area; of Class 3 construction, erected 1918; located in an unrestricted use, B area district and used as follows: cellar, boiler room and storage, no persons; 1st floor, iron shop, 20 persons; that it is proposed to be one story and pent house, 23 ft. 6 in. in height to pent house roof, and used as follows: cellar, same; first floor, same; pent house, offices, 6 persons and equipped with one interior 3 ft. wide iron stairs, enclosed in partitions constructed of 2 in. by 4 in. wood studs, covered with metal lath and ¾ in. cement plaster, equipped with fireproof self-closing doors; that the building is 14 ft. high and covers an area of 9,800 sq. ft., part of which area is partitioned off and used as offices; that it is proposed to remove the office partitions, so as to increase production of iron specialties for the U. S. Navy; to provide office space, it is proposed to erect a pent house 35 ft. by 35 ft. in area, enclosed with an 8 in. brick wall to occupy 13% of the present roof area; that the Building Department Objection No. 1 considers the pent house a second story; that this interpretation is at variance with Section C26-113.0 and Section C26-429.0 of the Administrative Code; that Section C26-113.0 defines a pent house as an enclosed roof structure other than a bulkhead, which extends 12 ft. or less above the roof and occupies 30% or less of the roof area; that Section C26-429.0, provides that solid masonry walls above roof levels 12 ft. or less in height, enclosing pent houses, may be considered as neither increasing the height nor requiring any increase in the thickness of the wall below; that the proposed roof structure definitely comes within the provisions of these sections of the Administrative Code and it is therefore requested that the Board rule that the proposed pent house is not a second story; and

WHEREAS, the applicant contends as to Objection No. 2, that the proposed office area and proposed stair layout should be accepted, in view of the small area to be occupied and in view of the fact that a second means of egress will be provided by means of a fire escape at front of building, if the Board directs; and

WHEREAS, the applicant further contends that the owner will suffer an undue hardship and the U. S. Navy Department a serious loss in production, if the requirements of the decision of the borough superintendent are not varied by the Board.

Resolved, that the decision of the borough superintendent acting on Alt. Applic. 537-43, Objection 1, be and it hereby is modified and that the appeal be and it hereby is granted on condition that the requirements of Section C26-429 are complied with, as to meeting the allowable working stress

requirements; as to Objection 2, that in addition to the enclosed stairway proposed, there shall be a second means of exit consisting of a counter-balanced ladder from a platform at roof level to the open yard space near East 144th street; that no portion of the second story, including the bulkhead for the elevator and stairs, shall exceed 12 ft. above the present roof level; that in all other respects, the building and occupancy shall comply with all other laws, rules and regulations applicable thereto.

580-43-A

APPLICANT—Freed Radio Corporation, lessee, for The Rector, Church Wardens and Vestrymen of Trinity Church in the City of New York, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—12-16 Vestry street, north side, 138 ft. 10¼ in. east of Hudson street (7th floor); (Block 221, Lot 35), Borough of Manhattan.

APPEARANCES—

For Applicant: Theodore B. Wolf.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (580-43-A)

WHEREAS, Freed Radio Corporation, lessee, for The Rector, Church Wardens, and Vestrymen of Trinity Church in the City of New York, owner, filed on December 1, 1943, an appeal from a decision of the borough superintendent, affecting premises 12-16 Vestry street, north side, 138 ft. 10¼ in. east of Hudson street (7th floor); (Block 221, Lot 35), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated November 27, 1943, on B. N. Applic. 2054-43, reads:

"1. Proposed use of panic bolts contrary to Par. 3 of Section 272 of Labor Law."

and

WHEREAS, the applicant states that the building is seven stories (88 ft.) in height; 75 ft. by 49 ft. 8 in. and 62 ft. 9 in. irregular in area; of Class 3 construction; erected 1882; located in an unrestricted use district and used and occupied as follows: cellar, store and boiler room, 2 persons; 1st floor, janitors supplies, 12 persons; 2nd floor, bookbinding, 35 persons; 3rd floor, bookbinding, 28 persons; 4th floor, machine products, 35 persons; 5th floor, gold stamping, 6 persons; 6th floor mechanical engraving, 35 persons; 7th floor, radio manufacturing, 300 persons, in conjunction with the occupancy of the 7th floor of 200 Hudson street, which is the subject of Cal. 581-43-A, filed with this Board; that the building is equipped with a one-source sprinkler system, a standpipe system and interior fire alarm system and that fire drills are not maintained; that there are two interior stairs leading from roof to street, one of which is 2 ft. 9 in. in width, of steel construction, enclosed in brick and concrete partitions and the other 3 ft. 4 in. in width of steel and concrete construction, enclosed in brick and concrete, both stairways equipped with kalamein self-closing doors; and

WHEREAS, Certificate of Occupancy 10185, was issued November 4, 1925, permitting the use of the building throughout as a factory, 90 persons per floor; and

WHEREAS, the applicant contends that it is the lessee of the top (7th) floor of this building in conjunction with the 7th floor of premises 200 Hudson street, which premises are connected by a sliding fireproof door; that the plant is engaged exclusively in war work; that the U. S. Army Plant Security Officer has recommended the installation of panic bolts on five doors leading to five stair-

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ways, to prevent entry of unauthorized persons to the premises, and it is therefore proposed to install panic bolts on the two doors leading to stairways on the 7th floor of the building in question and on the three stairway doors of the 7th floor of the building at 200 Hudson street, which is the subject of Cal. 581-43-A; and

WHEREAS, the applicant states that a summons was served returnable in the Magistrates Court on November 26, 1943, and the hearing adjourned to December 10, 1943, pending the disposition of this appeal; and

WHEREAS, the applicant filed a copy of the recommendation of the Plant Security Officer, U. S. Army, recommending the installation of the panic bolts in question.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the borough superintendent, acting on B. N. Applic. 2054-43, and that the application be and it hereby is *granted* as to Objection 1, *on condition* that the premises shall be maintained as proposed; that the panic bolts proposed to be installed, shall be of an approved type; that the horizontal exit connecting this building with the adjoining building at 182-200 Hudson street and subject to appeal under Cal. 581-43-A, shall be maintained; that in all other respects, the building and occupancy shall comply with all other laws, rules and regulations applicable thereto including the requirements for occupancy except as modified under Cal. 781-38-A; that this variance shall continue only during the term of the present emergency.

581-43-A

APPLICANT—Freed Radio Corporation, lessee, for The Rector, Church Wardens and Vestrymen of Trinity Church in the City of New York, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—182-200 Hudson street and 18-26 Vestry street, northeast corner (7th floor); (Block 221, Lot 30), Borough of Manhattan.

APPEARANCES—

For Applicant: Theodore B. Wolf.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy. 4
Negative 0

THE RESOLUTION (581-43-A)

WHEREAS, Freed Radio Corporation, lessee, for The Rector, Church Wardens and Vestrymen of Trinity Church in the City of New York, owner, filed December 1, 1943, an appeal from a decision of the borough superintendent, affecting premises 182-200 Hudson street and 18-26 Vestry street, northeast corner (7th floor); (Block 221, Lot 30), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated December 22, 1943, on B. N. Applic. 1996-43, reads:

"1. Proposed use of panic bolts contrary to Par. 3 of Section 272 of Labor Law."
and

WHEREAS, the applicant states the building is 12 stories, (146 ft. 8 in.) in height; 200 ft. 11 in. by 138 ft. 10 in.; irregular in area; of Class 1 construction; erected in 1926; located in an unrestricted use district, and used and occupied as follows: Cellar, store room and boiler room, 6 persons; 1st floor, stores and restaurant, 30 persons; 2nd floor, bookbinding, 180 persons; 3rd floor, manufacturing typewriters and office, 40 persons; 4th floor, printing, 125 persons; 5th floor, staple manufacturing and binding, 200 persons; 6th floor, printing, 112 persons; 7th floor, radio manufacturing, 300 persons, in conjunction with 7th floor

of 16 Vestry street, which is the subject of appeal under Cal. 580-43-A; 8th floor, bookbinding, 150 persons; 9th floor, printing and office, 98 persons; 10th floor, manufacturing watches and printing, 172 persons; 11th floor, printing and manufacturing staples, 98 persons; 12th floor, binding and manufacturing pens, 140 persons, for which Certificate of Occupancy 12157 was issued February 5, 1927, permitting the use of the building for factory, 210 persons each on 2nd to 12th floors; that the building is equipped with a one source sprinkler system, a standpipe system, interior fire alarm system and that fire drills are not maintained; that there are 3 interior fireproof stairs leading from roof bulkhead direct to street; and

WHEREAS, the applicant contends that it is the lessee of the 7th floor of this building in conjunction with the top (7th) floor of 16 Vestry street, which is connected thereto by a sliding fire door; that the plant is engaged in the manufacturing of communication devices for the U. S. Army and Navy; that the Second Service Command, Plant Security Office, U. S. Army has recommended the installation of five panic bolts on doors leading to stairways; that it is proposed to install three such panic bolts on the three stairway exit doors on the 7th floor of this building and two such panic bolts on the stairway exit doors of the 7th floor of 16 Vestry street, as requested under Cal. 580-43-A; that a summons was served returnable in Magistrates Court November 26, 1943, and adjourned to December 10, 1943, pending the disposition of this appeal; and

WHEREAS, the applicant filed copy of recommendation of the Plant Security Officer, U. S. Army, recommending the installation of panic bolts in question.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the borough superintendent, acting on B. N. Applic. 1996-43, and that the application be and it hereby is *granted* as to Objection 1, *on condition* that the premises shall be maintained as proposed; that the panic bolts proposed to be installed, shall be of an approved type; that the horizontal exit connecting this building with the adjoining building at 12-16 Vestry street and subject to appeal under Cal. 580-43-A, shall be maintained; that in all other respects, the building and occupancy shall comply with all other laws, rules and regulations applicable thereto including the requirements for occupancy other than as modified under Cal. 489-43-A; that this variance shall continue only during the term of the present emergency.

685-41-S

APPLICANT—Arthur Weil, for David Weil's Sons Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete—re variation of the labor law as cited in an order of the fire commissioner, previously granted on condition.

PREMISES AFFECTED—313-323 Berry street and 96-102 South 3rd street, southeast corner (Block 2430, Lot 2), Borough of Brooklyn.

APPEARANCES—

For Applicant: Arthur Weil and Herbert S. Hirsch.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (685-41-S)

WHEREAS, this application from an order of the fire commissioner, affecting premises 313-323 Berry street and 96-102 South 3rd street, southeast corner (Block 2430, Lot 2), Borough of Brooklyn, was granted by the Board on December 2, 1941, on certain conditions and the applicant

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requested an extension of time to complete the work relative to the wood partitions.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of December 2, 1941, only in so far as it has reference to the term within which all wood partitions not legally permitted are to be removed, so that as amended, this portion of the resolution shall read:

"on condition that all wood partitions not legally permitted shall be removed within two (2) years from the date of this *amended* resolution or shall be made to comply with the requirements of the Building Code."

705-42-S

APPLICANT—Russell and Edwin Mfg. Co., for Kops Brothers, Inc., owner.

SUBJECT—Application for consideration—Reopening and amendment of resolution—re variation of the labor law as cited in a decision of the fire commissioner, previously granted on condition.

PREMISES AFFECTED—100-02 Rockaway boulevard, northwest corner of 101st street (Block 9539, Lot 1), Ozone Park, Borough of Queens.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (705-42-S)

WHEREAS, this application from a decision of the fire commissioner, affecting premises 100-02 Rockaway boulevard, northwest corner of 101st street (Block 9539, Lot 1), Ozone Park, Borough of Queens, was granted by the Board on July 20, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 20, 1943, only in so far as it has reference to panic bolts of the approved type, so that as amended, this portion of the resolution shall read:

"that such panic bolts shall be of an approved type or that such panic bolts shall be maintained in proper working order to the satisfaction of the borough superintendent until the panic bolt is approved under an application for test and approval filed by the manufacturer, Russell and Erwin Manufacturing Company."

259-43-A

APPLICANT—John Rusinak, for Metropolitan Electric Manufacturing Co., owner.

SUBJECT—Application for consideration—reopening and amendment of resolution re Appeal from an order of the fire commissioner previously granted on condition.

PREMISES AFFECTED—22-48 Steinway street, west side, 372.91 ft. north of 23rd avenue (Block 805, Lot 9), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: John Rusinak.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (259-43-A)

WHEREAS, this appeal from an order of the fire commissioner, affecting premises 22-48 Steinway street, west side, 372.91 ft. north of 23rd avenue (Block 805, Lot 9), Long Island City, Borough of Queens, was granted by the Board on July 13, 1943, on certain conditions and the applicant requested an amendment of the resolution relative to procuring a Certificate of Occupancy.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 13, 1943, by omitting therefrom the words:

"and that a new Certificate of Occupancy shall be obtained for the present use."

APPLIANCES AND MATERIAL SUBMITTED FOR APPROVAL

1026-22-SA

APPLICANT—The Anthony Company, owner.

SUBJECT—Application for consideration—reopening and approval of additional Model BG-H—re Approval of The Anthony Nebulyte Oil Burner (for use with gas fuel).

APPEARANCES—

For Applicant: Vincent Singer.

ACTION OF BOARD—Application reopened, restored to calendar and referred to the Committee on Tests for test and report.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy. 4
Negative 0

1180-40-SA

APPLICANT—Central Automatic Sprinkler Company, owner.

SUBJECT—Application for consideration—reopening and restoration to calendar (previously dismissed for lack of prosecution—re Approval of Central Electrically Operated Deluge System (Sprinkler System).

APPEARANCES—

For Applicant: James D. McDowell.

ACTION OF BOARD—Application reopened, restored to calendar and referred to the Committee on Tests for test and report.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

61-43-SM

APPLICANT—Sargent and Greenleaf, Incorporated, owner.

SUBJECT—Sargent and Greenleaf Fire Exit Panic Locks, Models 5300, 5300-C, 5300-X2545, 5400, 5400-X2545, 5300-J, 5300-JC, 5300-JX2545J, 5400-J and 5400-JX2545J, approval of.

APPEARANCES—

For Applicant: William B. Keller.

ACTION OF BOARD—Material approved in accordance with report of the Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (61-43-SM)

WHEREAS, Sargent and Greenleaf, Incorporated, owner, filed on February 13, 1943, an application with the Board of Standards and Appeals for approval of the material known

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as the Sargent and Greenleaf Fire Exit Panic Locks, Models 5300, 5300-C, 5300-X2545, 5400, 5400-X2545, 5300-J, 5300-JC, 5300-JX2545J, 5400-J and 5400-JX2545J; and

WHEREAS, this material was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

November 19, 1943.

Re: Cal. 61-43-SM

Subject: Sargent and Greenleaf Fire Exit Panic Locks, Models 5300, 5300-C, 5300-X2545, 5400, 5400-X2545 and 5300-J, 5300-JC, 5300-JX2545J, 5400-J, 5400-JX2545J, approval of.

Sargent and Greenleaf, Inc. of Rochester, New York, filed an application with the Board of Standards and Appeals for the approval of their fire panic exit bolts and devices under the requirements of C26-178.0.b of the Administrative Building Code.

DESCRIPTION

It is made in two general styles designated as 5300 and 5400. Style 5300 is furnished in three designations: 5300 referring to hardware intended for inside operation by a bar across the full width of the door; 5300-C intended for inside operation, as in the case of 5300, and also for outside operation, by a rim cylinder lock; 5300-X2545 intended for inside operation as well as outside operation, the latter being provided by a thumb latch which can be deadlocked from the outside by a rim cylinder. These three forms of Style 5300 lock the door with a center latch only.

The Style 5400 lock is intended for inside operation, and the Style 5400-X2545 for both inside and outside operation. These two forms of Style 5400 correspond with the similarly numbered forms of Style 5300 above mentioned. The 5400 device locks the door by two latches, one at the top and the other at the bottom. The materials used in Styles 5300 and 5400 are brass and bronze. The 5300 style is also made in iron instead of bronze, the designing style numbers being 5300-J, 5300-JC, and 5300-JX2545J. Similarly, the Style 5400 is made in iron instead of in bronze and is known as 5400-J and 5400-JX2545J.

CONSTRUCTION

In Style 5300, the lock assembly is provided with a base approximately $\frac{3}{16}$ in. thick having a partial rim carrying the hinge pin lugs for the handle and locking bolt. The cover, also a casting, is approximately $\frac{1}{8}$ in. thick. The locking bolt is a casting hinging on a $\frac{1}{4}$ in. steel pin. Steel springs are provided to return the handle and locking bolt to the locked position. Lugs are provided to position the ends of these springs. The handle bar is a casting having a spacing of $3\frac{1}{2}$ in. from the center of the bar socket to the center of the hinge pin. The arm is $\frac{7}{16}$ in. thick at the hinge. The operating bar is a tube 1 in. outside diameter with a $\frac{1}{16}$ in. wall. The outboard assembly consists of a cast body provided with means for holding the $\frac{3}{8}$ in. steel hinge pin of the outer bar handle. The bar handle hinge pin is held in place in the housing by a U-shaped bar casting secured by bent-over pins. A stop-lug, on the bar handle, limits the rotation of the bar handle and bar assembly toward the door. A clearance of $1\frac{3}{4}$ in. between the bar and the door exists when the bar is fully depressed. The various castings employed in the 5300 device are brass or bronze; the operating bar is a bronze tube. In the 5300-J device the castings are made of iron and the bar is a steel tube. Similar comments apply to the 5400 device and the 5400-J device.

In the 5400 device, the center assembly consists of a cast housing with a base approximately $\frac{3}{16}$ in. thick and walls approximately $\frac{1}{8}$ in. thick, provided with lugs,

top and bottom, for the $\frac{3}{8}$ in. steel hinge pins. The cover, also a casting, is approximately $\frac{1}{8}$ in. thick. The toggle operating linkage consists of pairs of $\frac{3}{16}$ in. thick steel bars separated by and hinged on steel pins. They are in bell-crank form with $\frac{3}{16}$ in. pins between the ends to receive the slotted lugs on the inner ends of the draw bars. Steel springs are used to retract the handle and the lock assembly to the locked position. The handle mechanism is of the same general design as that previously described in the 5300 device. The inner handle bar has an extension beyond its hinge to operate the toggle mechanism which retracts the upper and lower latch bars. The operating bar is the same as that used in the 5300 device and the outboard assembly is of identical construction.

The top and bottom latch assemblies have base plates approximately $\frac{1}{8}$ in. thick with lugs which carry the $\frac{1}{4}$ in. diameter steel hinge pin. The locking bolt is $\frac{15}{16}$ in. wide and retracts $\frac{5}{8}$ in. A spring-returned plunger hinged on a $\frac{3}{16}$ in. steel pin, holds up the latch. A flat steel plate $\frac{1}{8}$ in. thick, mounted on the upper end of the plunger is engaged by the hooked end of the draw-bar. The case cover has guide lugs for the plate on the plunger. The latch bars are $\frac{3}{4}$ in. wide half oval section with a maximum thickness of $\frac{3}{16}$ in. Small castings to guide the bars are provided. The strike plates are castings approximately $\frac{1}{8}$ in. thick to receive the top and bottom latch bolts. The castings used in this style of device are brass or bronze for the No. 5400 and iron for the No. 5400-J. The latch bars for the 5400 device are of rolled bronze and for the 5400-J device are of steel. In all forms of these two styles of device means are provided for attaching the various parts to the face of the door by screws. Inasmuch as the thumb latch mechanism and the cylinder locking mechanism used for outside operation cannot interfere with the inside operation of the device, they are not considered as essential parts of these assemblies from a panic standpoint and are, therefore, not described in this report.

An installation layout of Style 5300-X2545 is shown in Fig. 1; details of Style 5300-X2545 by Fig 2; an assembly layout of Style 5400-X2545 is shown by Fig. 3, with corresponding details shown by Figs. 4 and 5.

OPERATION

Each unit consists of a lock assembly, an operating bar with handles, and an outboard assembly to receive the outer end of the operating handle. The lock assembly is mounted on the inside of the door near the center of the swinging edge. The outboard assembly is also mounted on the door and the operating handles and operating bar connect the two parts of the assembly. The length of the bar is determined by the width of the door. The lock is operated from the inside at all times by pressure applied to any point of the operating bar or of either operating handle. The operating handle actuating the locking mechanism is hinged on a pin in the base of the lock housing and withdraws the latch by the action of a finger projecting beyond the hinge which engages the hinged locked bolt. The bolt and the handle are held in the locked position by coil springs inside the housing. The lock may be deadlocked open in the unlocked position by depressing the operating handle and turning the dogging plug by a key inserted in the dogging plug cap. When this plug is turned counter-clockwise a projection at the bottom of the plug wedges under the operating handle inside of the case, holding both handle and bolt in unlocked position. The dogging plug is held in either of the two extreme end positions by a spring-controlled ball bearing. The dogging plug cap is free to rotate except when the correct key is fully inserted.

This assembly may be operated from outside by depressing the thumb latch which pivots in its plate and lifts a lever. This lever hinges about a pin and bears directly against a bolt, retracting it to the unlocked position. To unlock the thumb latch against outside opera-

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tion, the key is turned in a standard make, rim-type cylinder lock which, in turn, rotates the cylinder plug. At the end of one complete turn, a pin of the cylinder plug contacts a pin on a slide plate which slides to the right so that it overlaps the lever preventing its movement.

Style 5300-C lock is operated from inside exactly as described above and can be operated from the outside by key only.

Style 5300 lock is operated from inside only. No outside cylinder or thumb latch is provided.

Style 5400 device consists of three sections: a center case which contains the linkage which transmits motion from the cross bar to the vertical rods, which in turn operate two locking devices located at the top and bottom of the door and which lock into strikers provided for head jamb and floor or threshold. The operating bar assembly and outboard base assembly are identical with those used on the Style 5300 device, previously described, up to the point where the handle enters the linkage enclosure. The operating linkage consists of a double bell-crank assembly which pivot at the ends on pins. The short ends of the pair of bell cranks are riveted together and properly spaced by a pin and similarly the pair of bell cranks are riveted together with a pin. The long ends of both pairs are assembled with a pin which operates in a slot in bell cranks, permitting each pair to rotate about their respective centers. The end of operating handle which pivots on a pin extends between the lower pair of bell cranks and bears against the pin. Depressing the operating handle bar, therefore, raises the pin and rotates both pairs of bell cranks.

Motion from the short end of the bell cranks is transmitted to the upper draw bar and to the lower draw-bar by U-shaped studs riveted in the draw-bars and which fork the pins. Thus, depressing the bar retracts both draw-bars into the case so that the bars are in tension when operating their respective latches at top and bottom of the door. Operating handle and bar assembly are held in locked position normally by a spring. The bell crank assemblies are held by a spring. The lock may be deadlocked open by depressing handle bar and turning the dogging plug with a special key inserted in the dogging plug cap. This dogging mechanism operates in a manner similar to that described for the Style 5300 device.

The lock may be operated from the outside by depressing the thumb latch, which pivots in a plate and lifts the thumb latch lever. This lever pivots about a pin and bears directly on the stud which is riveted to the hand bell crank raising it and operating the mechanism as described above. Deadlocking the device by use of the cylinder lock operates in a manner similar to that previously described for Style 5300.

The top and bottom latches operate with one bottom draw-bar extending from the center latch vertically downward to the bottom latch. It is restrained by guides and held away from the face of the door by a plate. At each end the draw-bar is formed to bear directly against the door face. The draw-bar passes into the lock case through a recess and the end is forked and bent upward to engage the adjusting screw assembly which is made up of plate and screw. The adjusting screw assembly screws into the adjusting nut and the adjustment is secured at this point for latch-bolt throw. The adjusting nut passes through a forked guide cast integrally with the case and is attached to a bolt by a pin which allows a pivoting action. A spring keeps the latch bolt in the locked position. The bolt pivots about a pin. Thus, motion of the draw-bar draws the bolt back into the case.

On installations where there is a threshold and the door is high enough so that the latch bolt does not drag, the top latch is identical with the bottom latch just de-

scribed. In many cases, however, no threshold is used, and to prevent the latch bolt dragging, an added mechanism is put in the top case to hold the bolts retracted until the door is closed. Bosses are provided on the forked guide of the case for the adjusting nut for the tripping lever. The tripping lever pivots on a pin and the bottom end is held down against the adjusting nut by a spring. When the bolts are retracted, the end of the tripping lever drops behind the shoulder on the adjusting nut, preventing the bolt from regaining the locked position when the handle bar is released. A castellated nut is added to the adjusting nut assembly and screwed down to hold the forked end of draw-bar. Thus, the entire draw-bar and bell crank unit in the center case and the bolt in the lower case are all held retracted. When the door is shut the tripping stud comes in contact with a projection on the striker depressing the tripping lever and releasing the latch bolts to the locked position.

These devices were inspected and tested by the Underwriters' Laboratories, Inc., Report—Safety Appliance 868, Application No. 43C515, filed with this application.

TESTS

A complete assembly of Style 5300 device and a complete assembly of Style 5400-X2545 device were used in the tests. Each assembly was, in turn, mounted on a swinging door as in service. A mechanically driven mechanism was employed to push against the operating bar so as to release the latch and push the door open, after which the door was jerked closed by a chain. This cycle of operation was repeated 100,000 times at approximately ten times per minute. The same test was applied to each type of device. The force on the bar required to actuate each device was measured.

RESULTS

The mechanisms operated as intended throughout the entire test, and as examination after the test showed a negligible amount of wear on the bolts and other moving parts. The operating force was approximately 7 lbs. for each device.

EMERGENCY OPERATION TEST

The samples employed for the repeated operation test were used for this test. With a force of 225 lbs. applied horizontally to the test door at the point where the center housing was attached, the 5300 style device required approximately 50 lbs. to release the lock. The Style 5400 also required approximately 50 lbs. to release the mechanism.

It is apparent from the foregoing that the devices are practicable to install, operate and maintain and are constructed to give reasonable strength and durability in service. These devices are considered a reasonable safeguard against entrapping crowds in exits in case of panic.

5300-J, 5300-JC and 5300-JX2545J, 5400-J and 5400-JX2545J are made of iron case and cover and operating handles with bronze locking nut and request is made for permission to use panic bolts so made until such time as brass and bronze again become available. In all respects, these appliances are of the same design and construction as their brass and bronze counterparts in the aforementioned series. The designs of these iron panic bolts and devices are such that when brass and bronze parts are again available, replacement of the iron parts can be made so as to make the devices correspond with the regular 5300 and 5400 models.

RECOMMENDATION

On the basis of the foregoing data, the Committee on Tests recommends that Sargent and Greenleaf Fire

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and Panic Exit Bolts, Types 5300, 5300-C, 5300-X2545, 5400 and 5400-X2545, the component parts of which are made of brass and bronze, and Models 5300-J, 5300-JC, 5300-JX2545J, 5400-J, and 5400-2545-J which are made of iron case and cover and operating handles with bronze locking nut be approved for use in New York City under the provisions of C26-191.0 and C26-285.0 of the Administrative Building Code, and specific cases subject to a variation by the Board under Section 272, Par. 3, of the State Labor Law provided the device has a label permanently affixed thereto reading: "Approved by the Board of Standards and Appeals for use in New York City under Cal. No. 61-43-SM" and that temporary approval be granted for Types 5300-J, 5300-JC, 5300-JX2545J, 5400-J and 5400-2545-J for the duration of the war emergency provided the devices bear a label reading: "Approved by the Board of Standards and Appeals for use in New York City during the war emergency under Cal. No. 61-43-SM" and provided further that the parts of these latter devices be replaced with brass or bronze within six (6) months after the end of the war emergency. That all doors exceeding 42 in. in width be provided with a booster bracket.

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this material.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as the Sargent and Greenleaf Fire Exit Panic Locks, Models 5300, 5300-C, 5300-X2545, 5400, 5400-X2545, 5300-J, 5300-JC, 5300-JX2545J, 5400-J and 5400-JX2545J, *on condition* that the material be manufacturer, used, installed and labelled, stamped or tagged in accordance with above report.

Adjourned: 4:15 P.M.

JOSEPH J. DOYLE, Chief Clerk.

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held on November 23, 1943, as they appeared in Bulletin No. 48, Vol. 28, are hereby corrected to read as follows:

THE RESOLUTION (126-42-A)

WHEREAS, this appeal from an order of the fire commissioner; premises 350-358 West 34th street, south side, 49 ft. east of Ninth avenue and 351-359 West 33rd street (Block 757, Lot 66), Borough of Manhattan, was granted by the Board March 17, 1942, on certain conditions, resolution amended on June 30, 1942 and the applicant requested a further amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted by the Board on March 17, 1942, as amended on June 30, 1942, so that as amended, the resolution shall read:

"*Resolved*, that the order of the fire commissioner, No. 13141-LF, Item No. 3, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that there shall be sprinkler heads fed from the domestic water supply line of the building in all rooms in the cellar used for storage or checking including the rooms now sprinklered, namely, the carpenter shop,

waste paper room and tailor shop; that in all other respects the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as varied by the Board under Cal. No. 896-28-BZ; *that if the material required for the extension of the sprinkler system is not released by the War Production Board, that such extension shall be completed in accordance with the requirements of this resolution as soon as such material is released, provided that meanwhile there shall be maintained within the spaces required to be sprinklered, nine 2½ gallon soda and acid extinguishers, located as the fire commissioner shall direct, and provided that as soon as such material is released, the sprinkler work shall be promptly commenced and completed with reasonable promptness.*"

*Correction—The words "two one-half gallon soda and acid extinguishers" changed to "nine 2½ gallon soda and acid extinguishers" in line 29 of the resolution.

492-40-SM

APPLICANT—Richmond Fireproof Door Company, owner.
SUBJECT—Application for consideration—reopening and amendment of resolution—re Fyrgard C N.Y.C. Three-Hour Metal-Clad Three-Ply Door, previously approved.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application reopened and resolution amended in accordance with report of Committee on Tests.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (492-40-SM)

WHEREAS, The Richmond Fireproof Door Company, owner, filed May 8, 1940, an application with the Board of Standards and Appeals for approval of the material known as the Fyrgard C N.Y.C. Three-Hour Metal-Clad Three-Ply Door; and

WHEREAS, this material was approved by the Board on October 15, 1940, on certain conditions, resolution amended on February 3, 1942, December 22, 1942 and June 29, 1943 and the applicant requested a further amendment of the resolution; and

WHEREAS, this application was referred to the Committee on Tests; and

WHEREAS, the report of the Committee on Tests, reads:

REPORT OF COMMITTEE ON TESTS

November 12, 1943.

Re: Cal. 492-40-SM

Subject: Amendment to approval, November 12, 1943, of Fyrgard C N.Y.C., Three-Hour Metal-Clad Three-Ply Door, to permit fabrication in Two Sections.

The Richmond Fireproof Door Company of Richmond, Indiana, filed a request with the Board for the reopening of the approvals granted them October 15, 1940, February 3, 1942 and June 29, 1943, for the purpose of obtaining permission to manufacture their Fyrgard C N.Y.C. Three-Hour Metal-Clad Three-Ply Door in two sections, so as to permit the loading of doors into railroad cars which might otherwise be unable to handle them and also where there is no exterior opening in the building of sufficient size to permit taking the door into the building in one piece.

They propose that the opening protective assembly shall meet all the requirements of the aforementioned approvals as to materials and construction except that

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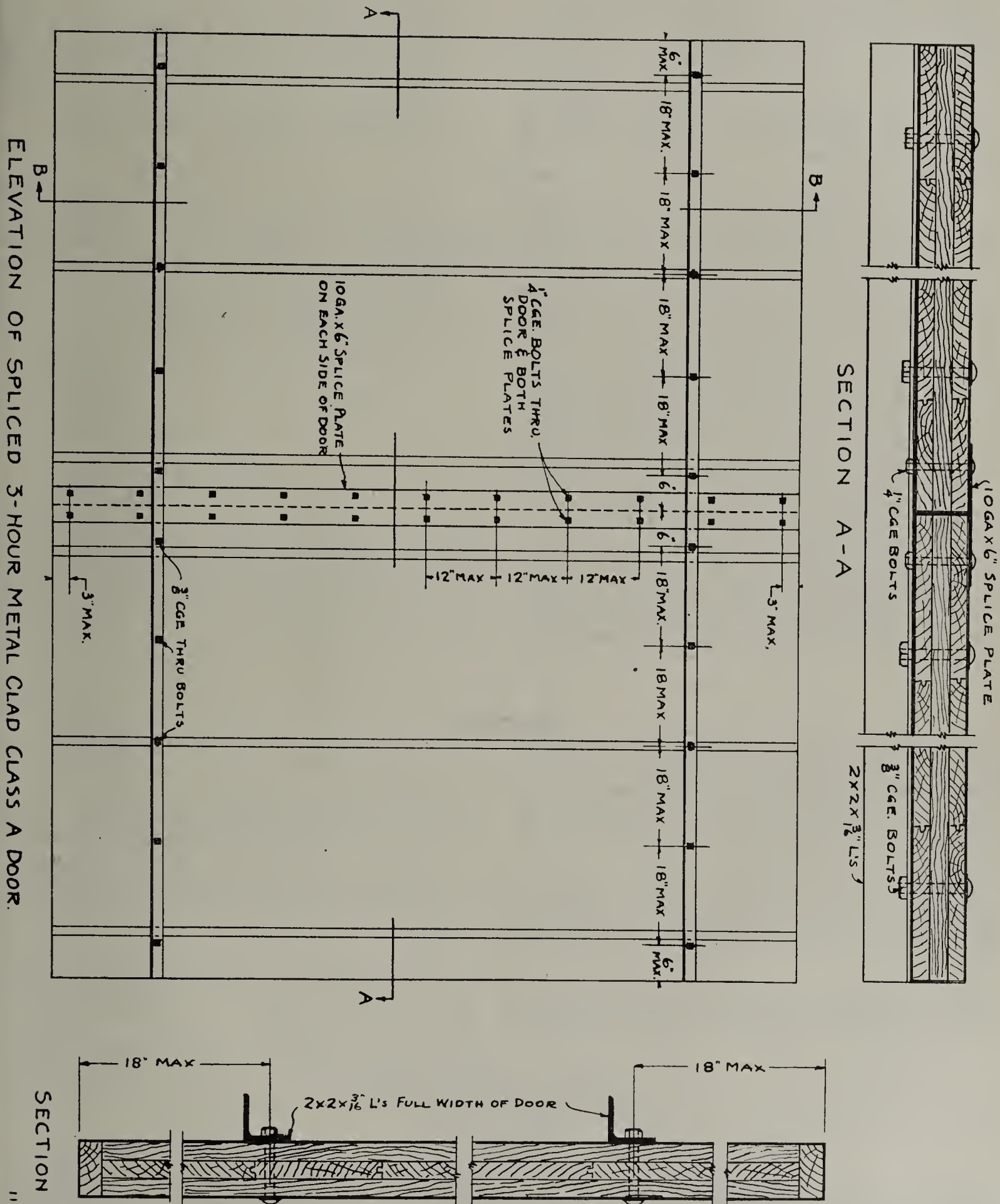


FIG. 1.

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the doors shall be made in halves and equipped with a splice, details of which are shown in Fig. 1. Except for this one change of splicing, the requirements of the approvals and the Building Code as to the limitation on size of doors is to be complied with.

In the specifications of the Underwriters' Laboratories entitled "Standard for Tinclad Firedoors and Shutters," Subject 10, Twelfth Edition, December 1941, pages 16 and 17, this proposed splicing is permitted, provided the following is observed:

"The sections (not more than two) shall be joined together by attaching to each face of the completed door a strip of not less than No. 16 USg galvanized sheet steel, not less than 6 in. in width and of a length corresponding to the height of the door. The splice plates shall be attached to each section of the door by not less than $\frac{1}{4}$ in. through bolts spaced on not more than 12 in. centers and at not to exceed 3 in. from the top and bottom edges of the door. Through bolts shall extend through both splice plates and the door body and shall thread into nuts.

"Sections over 10 ft. in height (not more than two) may be joined together by attaching to each face of the completed door, not more than two strips of at least No. 10 USg sheet steel, painted on both sides or galvanized, not less than 6 in. in width and of a length corresponding to the height of the door. The meeting edges of such splice plates on one side of the door shall be at least 2 ft. higher or lower than those on the opposite side.

"On three-ply doors, 2 by 2 by 3/16-in. angles or 2 1/2 by 5/8 by 3/16-in. channels shall be attached horizontally across the width of the door at not to exceed 18 in. from the top and bottom edges by not less than 3/8-in. Through bolts spaced on not more than 18-in. centers and at not more than 6 in. from each edge of

the assembled door. On two-ply doors, 2 by 1 1/2 by 3/16-in. angles or 1 1/2 by 5/8 by 3/16 in. channels shall be attached in a like manner.

"Angle and channel iron reinforcements and both splice plates may be shipped separately, but through bolts shall be secured to them before shipment. Both sections of the door shall be drilled at the factory to receive through bolts for attachment of splice plates and angle and channel iron reinforcements."

RECOMMENDATIONS

On the basis of the foregoing data, the Committee on Tests recommends that Fyrgard C N.Y.C. Three-Hour Metal-Clad, Three-Ply Doors when constructed of materials and details in accordance with the approvals granted, be also approved when made in halves and provided with a spliced plate as shown in Fig. 1 and with supplemental details as contained in this report, and that in all other respects, the requirements of the approvals originally granted be complied with.

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of the amendment as contained in the above report.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of June 29, 1943 in accordance with the report of the Committee on Tests dated November 12, 1943.

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the Board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication in this BULLETIN of the calendars of the Board, each case being set down by Calendar Number and the premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the

offices of the Board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the Board is to dispose of all cases promptly; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

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CITY OF NEW YORK

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

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CHARLES M. BLUM

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TELEPHONE—WOrth 2-5600.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.

Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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Minutes of Regular Meeting December 14, 1943, at 2 P. M., Affecting Calendar Numbers 28-35-A, 776-42-A, 506-43-S, 516-43-A, 524-43-A, 605-42-A, 441-42-S, 441-43-A, 444-43-A, 465-43-A, 520-43-A, 546-43-A, 550-43-A, 556-43-A, 571-43-A, 599-43-A, 896-39-A, 675-41-A, 718-42-A, 824-42-A, 7-43-S, 290-43-A, 159-37-SA, 223-41-SM, 470-42-SA, 904-42-SM, 1026-22-SA, 477-43-SM and 547-43-SM.

Correction Affecting Calendar No. 495-32-BZ.

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS OF CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either borough superintendent of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET

New Cases Filed up to December 14, 1943.

Cal. No. Dept. Premises Affected
598-43-BZ—H.B.Q.—48-09 to 48-17 Rockaway Beach boulevard, southeast corner of Beach 49th street (Block 336, Lot 60), Far Rockaway, Borough of Queens, Alt. 1493-43.

599-43-A—F.D. and H.B.M.—209 West 129th street, north side, 125 ft. west of 7th avenue (Block 1935, Lot 26), Borough of Manhattan, Decision and Alt. 855-43.

600-43-BZ—H.B.R.—17 Lockman avenue, east side, 147 ft. south of Richmond Terrace (Block 1236, part of Lot 36), Mariners Harbor, Borough of Richmond, Alt. 125-43.

601-43-A—H.B.Q.—123-32 82nd avenue, east side, 81 ft. south of Queens boulevard (Block 3359, Lot 13), Kew Gardens, Borough of Queens, Alt. 1305-43.

602-43-SA—H.O.H.—Model B Feeder (Proportioning Unit), Appliance.

603-43-BZ—H.B.Bx.—3710 White Plains road, east side, 95 ft. north of East 216th street (Block 4663, Lot 53), Borough of The Bronx, Amendment to E.S. Applic. 122-42.

604-43-A—F.D. and H.B.M.—421 West 113th street, south side, 129 ft. west of Morningside drive (Block 1860, Lot 1), Borough of Manhattan, Decisions and N.B. 31-43.

605-43-A—F.D.—37-41 West 119th street, north side, 75 ft. east of Lenox avenue (Block 1718, Lot 24), Borough of Manhattan, Decision.

606-43-A—H.B.Bx.—859 Southern boulevard, west side, 219.3 ft. north of Intervale avenue (Block 2722, Lot 14), Borough of The Bronx, Decision.

607-43-A—F.D.—507 West 33rd street, north side, 125 ft. west of 10th avenue (Block 705, Lot 29), Borough of Manhattan, 34093-LC and Decision.

608-43-A—F.D.—36-42 West 47th street, south side, 389.4 ft. east of 6th avenue (15th floor); (Block 1262, Lot 56), Borough of Manhattan, Decision.

Restored to Calendar.

273-43-BZ—H.B.B.—965-967 Hopkinson avenue, east side, 260 ft. south of Lott avenue and 576-578 Bristol street (Block 3623, Lot 19), Borough of Brooklyn, Alt. 3572-43.

7-43-S—F.D. and H.B.Q.—35-35 to 35-45 36th street, east side, 92.5 ft. north of 36th avenue (5th floor); (Block 640, Lot 4), Long Island City, Borough of Queens, 9648-LF and Decision and Misc. 1986-43.

605-42-A—F.D.—335-341 West 16th street, north side, 300 ft. east of 9th avenue (Block 740, Lot 13), Borough of Manhattan.

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

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Carbon Dioxide Liquefier, Rules.....	June 22, 1943—Vol. 28, No. 25	
Certificates of Occupancy, approved form	Nov. 30, 1943—Vol. 28, No. 48	
Concrete Flat Slabs, Rules.....	July 13, 1937—Vol. 22, No. 28	
Concrete Masonry Units, Rules for Manufacture, Testing and Use of	June 24, 1941—Vol. 26, No. 25	
Concrete Rules (Hydrated Lime)....	Aug. 3, 1937—Vol. 22, No. 31	
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Erection, Alteration, Repair, Excavation for and Demolition of Buildings	Nov. 23, 1943—Vol. 28, No. 47	
Exit Rules (Revolving Doors)....	June 15, 1937—Vol. 22, No. 24	
Factory Exit Rules.....	Oct. 5, 1943—Vol. 28, No. 40	
Fire Alarm Rules (Interior).....	June 8, 1943—Vol. 28, No. 23	
Fire Drill Rules	Sept. 14, 1943—Vol. 28, No. 37	
Fire-resistant, Flameproof Materials, etc., Rules for Testing of.....	Nov. 2, 1943—Vol. 28, No. 44	
Fire Retarding Rules for Garages, etc.	Dec. 16, 1941—Vol. 26, No. 50	
Fireproof Wood, Testing of.....	Apr. 13, 1937—Vol. 22, No. 15	
Frame Garages, Ruling for.....	Jan. 21, 1919—Vol. 4, No. 3	
Fusion Welding and Gas Cutting Rules	Apr. 27, 1943—Vol. 28, No. 17	
Gas Shut-Off Rules.....	Apr. 7, 1925—Vol. 10, No. 14	
Hatchway Protection	June 5, 1928—Vol. 13, No. 23	
Insulating Fibre Board Rules.....	Mar. 23, 1943—Vol. 28, No. 12	
Oil Burner Rules.....	Oct. 26, 1943—Vol. 28, No. 43	
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Platform Trucks, Specifications for.....	Nov. 24, 1936—Vol. 21, No. 47	
Plumbing Rules	Aug. 3, 1937—Vol. 22, No. 31	
Plumbing Rules (Submerged Inlets; Protective Methods to Prevent Contamination of Water Supply).....	Oct. 19, 1943—Vol. 28, No. 42	
Procedure, Rules of.....	Sept. 7, 1937—Vol. 22, No. 36	
Refrigerating Systems, Extract A.C.	Oct. 12, 1943—Vol. 28, No. 41	
Smoking in Factories, Rules for....	Oct. 12, 1943—Vol. 28, No. 41	
Sprinkler Rules	June 29, 1937—Vol. 22, No. 26	
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Structural Alterations, Reporting....	June 7, 1932—Vol. 17, No. 23	
Tank Trucks, Fuel Oil, etc.....	Nov. 24, 1936—Vol. 21, No. 47	
Tank Trucks, Gasoline, etc.....	Nov. 24, 1936—Vol. 21, No. 47	
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)....	Apr. 10, 1923—Vol. 8, No. 15	

Approved appliances and materials are printed in the Supplement to the Bulletin of June 8 1943, Vol. 28, No. 23A.

DECEMBER 21, 1943, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, December 21, 1943 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications

222-43-BZ—Application, May 11, 1943, under section 7h of the zoning resolution, of Arthur Weiser, applicant, on behalf of Bijou Realty Corporation, owner, to permit partly in a residence use and partly in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises west side of Riverdale avenue, 157-01 ft. north of West 232nd street (Block 3409E, Lot 374), Borough of The Bronx.

567-43-BZ—Application, November 20, 1943, under section 7c of the zoning resolution, of Fred Liese, applicant, on behalf of Gottscheer Central Holding Co., Inc., owner, to permit partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building to restaurant, meeting rooms,

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cabaret and dancing and, also, the maintenance of five individual garages; premises 657 Fairview avenue, north side, 77 ft. 3½ in. east of Linden street (Block 3485, Lot 1), Ridgewood, Borough of Queens.

Appeal from Administrative Decision

399-43-A—2531-2539 Broadway, west side, from West 94th street to West 95th street and 250-254 West 95th street (Block 1242, Lots 55 and 10), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

DECEMBER 21, 1943, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday afternoon, December 21, 1943 at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions

592-42-S—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

593-42-A—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

460-43-S—984-986 Grand street, south side, 200 ft. 0½ in. west of Morgan avenue and 357-359. Maujer street (Block 3019, Lot 33), Borough of Brooklyn.

462-43-S—740 East 211th street, south side, 106.44 ft. east of Holland avenue (Block 4659, Lot 13), Borough of The Bronx.

28-35-A—601-649 West 26th street, 600-652 West 27th street, 200-214 13th avenue and 245-259 11th avenue (Block 672, Lot 1), Borough of Manhattan (reopened November 9, 1943).

516-43-A—57-46 Flushing avenue, 58-12 59th drive, 59-05 60th avenue and 59-83 59th street, east side, 214 ft. 10 in. south of 59th drive (Block 2649, Lots 113 and 135 and Block 2653, Lot 5), Maspeth, Borough of Queens (under section 35, General City Law re bed of mapped street—59th street).

524-43-A—793-801 Second avenue and 250 East 43rd street, southwest corner (10th floor); (Block 1316, Lots 27, 28, 28½, 29 and 30), Borough of Manhattan.

506-43-S—22-28 Henry street and 73-79 Middagh street, northwest corner (basement floor); (Block 211, Lot 22), Borough of Brooklyn.

776-42-A—821-827 Bergen street, south side, 325 ft. west of Classon avenue and 890-902 Dean street (Block 1141,

Lot 28), Borough of Brooklyn (reopened June 29, 1943; previously denied).

593-43-A—170-172 2nd avenue, northwest corner of 13th street (1st floor); (Block 1025, Lot 49), Borough of Brooklyn.

482-43-A—1785-1795 Westchester avenue and 1260 St. Lawrence avenue, northeast corner (Block 3786, part of Lot 1), Borough of The Bronx.

589-43-A—88 Amity street, south side, 227 ft. west of Henry street (Block 295, Lot 14), Borough of Brooklyn.

609-43-A—550-552 Pacific street and 32-38 4th avenue, southwest corner (2nd floor); (Block 192, Lots 34 and 35), Borough of Brooklyn.

Appliances and Materials for Approval

368-43-SA—Grafibre Gib for Elevator Guide-Rail Shoe.

173-43-SM—Vitroliner-Porcelain Enameled Outlet Piping.

1106-40-SM—Ohio and Hawk Spread White Finishing Lime; Ohio White Finish Autoclaved Lime; Ohio Masons Hydrated Lime; Ohio Quick-Mix Masons Lime; Hyppressure Hydrate; Ohio Sanlime Colored Interior Sand Finish and Ohio Ritewall Hair Fibred Base Coat Lime Plaster.

HARRIS H. MURDOCK, *Chairman.*

JANUARY 4, 1944, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, January 4, 1944 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

569-43-BZ—Application, November 23, 1943, under section 7h of the zoning resolution, of Lama and Proskauer, applicants on behalf of Rose Bennett, owner, to permit partly in a residence use and partly in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises 520-522 Lefferts avenue, south side, 254 ft. 6 in. west of Kingston avenue (Block 1332, Lot 27 and part of Lot 87), Borough of Brooklyn.

341-43-BZ—Application, July 6, 1943, under sections 7a and 7c of the zoning resolution of Martyn N. Weinstein, applicant on behalf of Rite Way Laundry Company, owner, to permit in a residence use district, the maintenance of extensions to an existing wet wash laundry and also, a driveway accessory to the wet wash laundry; premises 3319-3335 Atlantic avenue and 283-295 Euclid avenue, northeast corner (Block 4145, Lot 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

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BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, DECEMBER 14, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy.

The minutes of the regular meetings of the Board held on Tuesday morning, December 7, 1943, and Tuesday afternoon, December 7, 1943, were approved as printed in Bulletin No. 50, Volume 28.

ZONING CASES

109-43-BZ

APPLICANT—Lama and Proskauer, for Samuel Sym, owner.

SUBJECT—Application (decision of the acting borough superintendent) under section 7c of the zoning resolution, to permit in a business use district, the extension in area of a building used as a wet wash laundry.

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PREMISES AFFECTED—64-08 Perry avenue, south side, 47.73 ft. east of Willow avenue (Block 2716, part of Lot 12), Maspeth, Borough of Queens.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: Walter Szachacz.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Placed on Reserve Calendar.

273-43-BZ

APPLICANT—Lama and Proskauer, for East New York Savings Bank, owner.

SUBJECT—Application for consideration—reopening and rehearing on a new proposal (decision of the borough superintendent) under sections 7c and 21 of the zoning resolution, to permit in a residence use district, the conversion of a building from marble factory to manufacturing of mattresses (previously denied re conversion of building from marble works to factory (light manufacturing).

PREMISES AFFECTED—965-967 Hopkinson avenue, east side, 260 ft. south of Lott avenue and 576-578 Bristol street (Block 3623, Lot 19), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy. 4

Negative 0

207-31-BZ

APPLICANT—Henry Nordheim, for Emily A. Steenken, owner.

SUBJECT—Application reopened November 23, 1943 (decision of the acting borough superintendent) under sections 7c, 7i and 21 of the zoning resolution, to permit in a business use district, the conversion of occupancy of a building from gasoline service station, garage for five motor vehicles and brake service to non-storage garage for five motor vehicles, motor vehicle repair shop and used car sales.

PREMISES AFFECTED—1146-1148 Southern boulevard, east side, 225 ft. north of East 167th street (Block 2745, Lot 11), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry Nordheim, L. C. Shleferstein and G. Verman.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (207-31-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in a business use district, the erection and maintenance of a gasoline service station, affecting premises 1146-1148 Southern boulevard, east side, 225 ft. north of East 167th street (Block 2745, Lot 11), Borough of The Bronx, was granted by the Board on October 14, 1931, on certain conditions, resolution corrected on June 1, 1932 and resolution amended on January 14, 1941; and

WHEREAS, the applicant requested a further amendment of the resolution, to permit under sections 7c, 7i and 21 of the

zoning resolution, the conversion of occupancy of a building from gasoline service station, garage for five motor vehicles and brake service to non-storage of five motor vehicles, motor vehicle repair shop and used car sales; and

WHEREAS, this case was reopened by vote of the Board on November 23, 1943, subject to usual procedure; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting December 14, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that Southern boulevard is in a business use district; Hoe avenue is in residence and business use districts; East 167th street and Home street are in a business use district; and

WHEREAS, the decision of the borough superintendent, dated October 29, 1943, re Alt. Applic. 382-43, reads:

"1. The proposed change of occupancy from gasoline service station, garage for five (5) cars and brake service to non-storage garage for five (5) motor vehicles, motor vehicles repair shop and used car sales, in a business use district, is contrary to the resolution approved by the Board under Cal. No. 207-1931-BZ, contrary to Sec. 4-a, Sub-division 29 of the Zoning Resolution."

and

WHEREAS, the applicant states that the existing building is of Class 3 construction, one story in height, having a frontage of 50 ft. and a depth of 100 ft. and that it is proposed to alter and convert the premises now used as an arcade gasoline service station, brake testing use and a 5-car garage, to a non-storage garage for five (5) motor vehicles, motor vehicle repair shop and used car sales.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of June 1, 1932 as amended January 14, 1941 so that as amended, the resolution shall read:

"Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulations of the zoning resolution, and that the application be and it hereby is granted, only so far as it affects the arcade portion of the present building, on condition that if there is any heating apparatus underneath the grade of the arcade, it shall be separated from the tanks by unpierced masonry walls satisfactory to the fire department; that all pumps shall be set back at least 10 ft. from the building line; that along the building line, there shall be constructed concrete curbing not less than 12 in. in height and 12 in. in width; that the present grease racks now located in the arcade shall be removed and discontinued; that there shall be no other use made of the arcade portion of these premises than for a gasoline service station, as indicated in this resolution; that any advertising signs shall be confined to the illuminated globes of the pumps or one projecting electric sign, not more than 3 ft. by 6 ft. indicating the name and nature of the business conducted on the premises and that there shall be no portable gasoline tanks operated or maintained on the premises.

"Resolved further, that in the event the owner desires to conduct the motor vehicle repairing, consisting of brake testing, within the building, such additional use may be maintained, provided all other requirements of the resolution as adopted by the Board June 1, 1932 are complied with, except the requirement that there shall be erected a concrete curbing not less than 12 in. in height and 12 in. in width along the building line may be waived; that the existing grease rack permitted by the resolution within the gasoline selling area and the gasoline pumps existing on the building line instead of 10 ft. therefrom as required, shall be removed and such gasoline pumps located in compliance with this resolution before any additional permit for the motor vehicle repairing herein permitted is issued.

"Resolved further, that in the event the owner desires to occupy the premises for the sale of used cars and for

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motor vehicle repairing in lieu of the use as hereinbefore permitted, such occupancy may be permitted *on condition* that the requirements of the resolution adopted June 1, 1932 are complied with in so far as they apply to the new occupancy and the building is altered for the new occupancy substantially as proposed and as shown on plans filed with this application marked 'Received November 26, 1943'; that such repairing shall be by means of hand tools only except that there may be light machines, such as a grinder and drill, provided each machine requires not more than $\frac{1}{2}$ h.p.; that no forge or anvil shall be maintained on the premises; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that no openings shall be constructed in the rear or side walls; that no roof sign shall be erected and only such signs shall be erected on the front of the building as may be lawfully permitted; that all permits shall be obtained and all work completed within six (6) months from the date of this *amended* resolution."

297-34-BZ

APPLICANT—Lama and Proskauer, for Anne Cosden, owner.

SUBJECT—Application reopened January 6, 1942 (decision of the borough superintendent) under section 7f of the zoning resolution, to permit in a business use district, for a term of years, the erection and maintenance of a gasoline service station with the accessory uses of auto laundry, lubritorium and office (the use of the premises as a gasoline service station was previously denied under section 21 of the zoning resolution).

PERMISES AFFECTED—2705-2715 Nostrand avenue, east side, 360 ft. north of Avenue N (Block 7666, Lot 25), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama, Abbey Cosden and Andrew Rogers.

For Opposition: Filomena Cortese, Michael Levine, Martin Auerbach, Bernard L. Weynberg, Julius Brandes, Alexander A. Haig and Alfred Mascola.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative: Commissioner Savage..... 1

Negative: Chairman Murdock, Commissioner Blum and Deputy Chief Murphy..... 3

THE RESOLUTION (297-34-BZ)

WHEREAS, this application under section 21 of the zoning resolution, to permit in a business use district, the erection and maintenance of a gasoline service station, affecting premises 2705-2715 Nostrand avenue, east side, 360 ft. north of Avenue N (Block 7666, Lot 25), Borough of Brooklyn, was denied by the Board on January 22, 1935; and

WHEREAS, the applicant requested a reopening under section 21 of the zoning resolution, to permit the erection and maintenance of a gasoline service station for a term of five years; and

WHEREAS, this case was reopened by vote of the Board on June 25, 1935 and denied on July 16, 1935; and

WHEREAS, this application was the subject of court review and the Board's action was affirmed by Mr. Justice Cropsey, Supreme Court, Kings County; and

WHEREAS, the applicant requested a further consideration of this case under section 7f of the zoning resolution, to permit for a term of years, the erection and maintenance of a gasoline service station with the accessory uses of auto laundry, lubritorium and office; and

WHEREAS, this case was reopened by vote of the Board on January 6, 1942, subject to usual procedure; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting December 14, 1943 after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that Nostrand avenue is in a business use district; Avenue M is a residence and business use district and Avenue N is in a residence and business use district; and

WHEREAS, the decision of the borough superintendent acting on Alt. Applic. 5066-41, dated November 17, 1941, reads:

"1. The construction of a gasoline selling station with the accessory uses of auto laundry, lubritorium and office in a business use district is contrary to the zoning resolution, Sect. 4."

and

WHEREAS, the applicant states that the premises consist of a plot of ground having a frontage of 100 ft. and a depth of 105 ft.; that upon the plot there is located a one-story, Class 3 building, 28 ft. by 55 ft. in area, occupied as an auto laundry, office and lubritorium; that this building is located 30 ft. back from the street line; that it is proposed to install, along the Nostrand avenue frontage of the plot, the necessary tanks and pumps for a gasoline service station and that it is proposed to maintain the proposed gasoline service use for a term of ten (10) years; and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that there was no justification for the exercise of its discretion to grant a zoning variance under section 7, subdivision f, of the zoning resolution.

Resolved, that the decision of the borough superintendent on Alt. Applic. 5066-41, be and it hereby is *affirmed* and that the application be and it hereby is *denied*.

795-40-BZ

APPLICANT—John J. Gilmartin, for John Primavera, owner.

SUBJECT—Application reopened November 23, 1943 for consideration as to extension of term of permit—Application (decision of the borough superintendent) previously granted on condition, under section 7h of the zoning resolution, permitting for a temporary term of two years, partly in a local retail use and partly in a residence use district, the parking and storage of more than five motor vehicles.

PERMISES AFFECTED—546-548 Ralph avenue, west side, 107 ft. 9½ in. north of St. John's place (Block 1381, Lot 44), Borough of Brooklyn.

APPEARANCES—

For Applicant: John J. Gilmartin.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Permit extended.

THE VOTE TO EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (795-40-BZ)

WHEREAS, this application under section 7h of the zoning resolution, permitting partly in a local retail use district and partly in a residence use district for a term of two years, the parking and storage of more than five motor vehicles, affecting premises 546-548 Ralph avenue, west side, 107 ft. 9½ in. north of St. John's place (Block 1381, Lot 44), Borough of Brooklyn, was granted by the Board on May 20, 1941, on certain conditions and the applicant requested an extension of the permit; and

WHEREAS, this application was reopened by vote of the Board on November 23, 1943 and set for hearing on December 14, 1943; and

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WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting December 14, 1943, after due notice by application in the Bulletin of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of May 20, 1941, only in so far as it has reference to the term of the permit, so that as amended this portion, of the resolution shall read:

"Granted under section 7h for a temporary term of two (2) years from the date of this *amended* resolution, to permit. . . ."

1167-40-BZ

APPLICANT—Richard W. Hogue, Jr., for Iris Miller, owner.

SUBJECT—Application (decision of the acting borough superintendent) under sections 7c and 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district the conversion of occupancy of an existing building from showroom and garage to bottling and storage of wines.

PREMISES AFFECTED—50-04 Queens boulevard, south side, 40 ft. east of 50th street and 45-15 50th street (Block 2283, Lot 22), Woodside, Borough of Queens.

APPEARANCES—

For Applicant: Richard W. Hogue, Jr., Morris Weiss and H. S. Herbert.

For Opposition: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (1167-40-BZ)

WHEREAS, H. S. Herbert, for Iris Miller, owner, filed on December 11, 1940, an application under sections 7c, 7e, 7i and 21 of the zoning resolution, to permit partly in a business use district and partly in a residence use district, the inclusion of a motor vehicle repair shop in an existing building used as a showroom and garage, affecting premises 50-04 Queens boulevard, south side, 40 ft. east of 50th street and 45-15 50th street (Block 2283, Lot 22), Woodside, Borough of Queens; and

WHEREAS, Richard W. Hogue, Jr., for Iris Miller, owner, filed an amended application November 15, 1943, under sections 7c and 21 of the zoning resolution, to permit partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building from showroom and garage to bottling and storage of wines; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting on December 14, 1943, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the zoning resolution show that 50th street is in residence and business use districts; 51st street is in unrestricted and business use districts; Queens boulevard is in a business use district; and

WHEREAS, the decision of the borough superintendent on Alt. Applic. 1465-43, dated November 9, 1943, reads:

"1. As the building now extends into a residence zone, the proposed change of use from 'show room and garage' to 'bottling and storage of wines' is contrary to the Zoning Law (Art. 2, sec. 3 and art. 2, sec. 6-6)."

and

WHEREAS, the applicant states that the existing building is of Class 3 construction, one story in height, with a frontage of 29 ft. 7 in. on Queens boulevard, 100 ft. on 50th street and a distance of 201 ft. along the easterly lot line; that the southerly portion extends into a residence use district for a distance of 100 ft. and remainder is in a business use

district and that it is proposed to convert the occupancy of the existing building from showroom and garage to bottling and storage of wines; and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board deemed that this was a proper case in which to exercise its discretion to grant a variance under section 7, subdivision c of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variance* in the application of the use district regulations of the zoning resolution and that the application be and it hereby is *granted* under section 7c thereof, for a term of five (5) years from the date of this resolution, to permit the extension of the proposed use into the residence district as proposed, *on condition* that the building shall not be increased in height or area; that this variance shall continue only so long as the occupancy is as proposed, as a United States Bonded Winery (bottling and storage of wines); that all loading and unloading shall be done within the building; that operations shall not be carried on except during the hours of 8 A. M. to 6 P. M.; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that all permits shall be obtained and all work completed within six (6) months from the date of this resolution.

309-36-BZ

APPLICANT—Roe and Kramer, for Mount Carmel Cemetery, for Estate of J. Adams Heuss, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete work—Application (decision of the borough superintendent) previously granted on condition, under section 21 of the zoning resolution, permitting in a residence use district, the erection and maintenance of a building to be used as a garage for less than five motor vehicles (trucks), storage and tool house.

PREMISES AFFECTED—80-89 Cypress Hills street (Fresh Pond road), east side, 996 ft. north of Interborough parkway (Block 3750, Lot 695), Ridgewood, Borough of Queens.

APPEARANCES—

For Applicant: Julius G. Kaagan.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (309-36-BZ)

WHEREAS, this application, under section 21 of the zoning resolution, permitting in a residence use district, the erection and maintenance of a building to be used as a garage for less than five motor vehicles (trucks), storage and tool house, affecting premises 80-89 Cypress Hills street (Fresh Pond road), east side, 996 ft. north of Interborough parkway (Block 3750, Lot 695), Ridgewood, Borough of Queens, was granted by the Board February 9, 1937, on certain conditions, time to obtain permits extended December 14, 1937, and May 9, 1939, the resolution amended June 27, 1939 and March 4, 1941, time extended March 10, 1942 and resolution amended July 23, 1942 and the applicant requested a further extension of time to complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of February 9, 1937, as amended through July 23, 1942, only in so far as it has reference to completion of the work in connection with the required fence, so that as amended, this portion of the resolution shall read:

"that the fence hereinbefore required shall be constructed within one (1) year from the date of this *amended* resolution."

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728-38-BZ

APPLICANT—Solomon Blatt, for Max Davidson, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Application (decision of the borough superintendent) previously granted on condition, under section 21 of the zoning resolution, permitting for a period of five years, in a business use district, the conversion of part of an existing building to a junk shop.

PREMISES AFFECTED—2401 Poplar street, northeast corner of Bronxdale avenue (Block 4062, Lot 27), Borough of The Bronx.

APPEARANCES—

For Applicant: Solomon Blatt.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (728-38-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting in a business use district for a term of five years, the conversion of part of an existing building to a junk shop, affecting premises 2401 Poplar street, northeast corner of Bronxdale avenue (Block 4062, Lot 27), Borough of The Bronx, was granted by the Board on December 6, 1938, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of December 6, 1938, only in so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"*Granted* under section 7c thereof for a term of five (5) years from the date of this *amended* resolution, permitting. . . ."

APPEAL FROM ADMINISTRATIVE DECISION

361-43-A

APPLICANT—Nora Lowe McKee, owner (William Van Dohlmann, lessee).

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—16 Central avenue, west side, 134.62 ft. south of Hyatt street (Block 6, Lot 75), St. George, Borough of Richmond.

APPEARANCES—

For Applicant: D. R. J. Arnold.

For Administration: Henry Phenev and Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted, revoking Certificate of Occupancy 3419.

THE VOTE TO GRANT, REVOKING CERTIFICATE OF OCCUPANCY 3419—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (361-43-A)

WHEREAS, Nora Lowe McKee, owner, filed July 14, 1943, an application for revocation of Certificate of Occupancy No. 3419, affecting premises 16 Central avenue, west side, 134.62 ft. south of Hyatt street (Block 6, Lot 75), St. George, Borough of Richmond; and

WHEREAS, the decision of the borough superintendent dated June 21, 1943, reads:

"Your request for the revocation of Certificate of Occupancy #3419, issued June 4, 1942 is denied.

The Board of Standards and Appeals is the only authority that can revoke this certificate."

and

WHEREAS, the applicant states the building is three stories (36 ft.) in height; 19.10 ft. by 52.4 ft. in area; of Class 4 construction; erected 1897; located in a residence use district and occupied as follows: cellar, ordinary; 1st floor, one family; 2nd floor, one family and roomers since prior to 1929; that it is proposed to be used and occupied as follows: cellar, ordinary use; 1st floor, furnished rooms; 2nd floor, furnished rooms; 3rd floor, furnished rooms; and

WHEREAS, the applicant contends that this is an application for the revocation of Certificate of Occupancy No. 3419, issued June 4, 1942, on the grounds that said certificate of occupancy was improperly issued by the Department of Housing and Buildings in that no complete drawings were filed in connection with the application for such certificate of occupancy; that the drawings filed in connection with such application failed to show the proper arrangement for a legal two-family dwelling; that there are three identical buildings classified as heretofore converted Class B Multiple dwellings on the same lot; and

WHEREAS, a violation was issued May 24, 1943 for converting the building to a Class B multiple dwelling and occupying same as such without a certificate of occupancy; and

WHEREAS, Certificate of Occupancy No. 3419 issued June 4, 1942, on Alt. Applic. 77-42, permitted the use of the building as follows: cellar, ordinary use; 1st floor, one family; 2nd and third floors combined, one family, and not more than 4 roomers or boarders; and

WHEREAS, the Board finds that records of the housing division indicate that the building was classified in 1937 prior to the issuance of certificate of occupancy as a heretofore converted Class B Multiple Dwelling and violation is now pending for occupying the building as such without a certificate of compliance or occupancy therefor; and

WHEREAS, the premises were inspected by a committee of the Board; and

WHEREAS, it appeared that the certificate of occupancy was issued upon a mistaken understanding on the part of the owner as to the requirements and that the occupancy has continued since some years prior to 1929 as a rooming house and is now so occupied and was not occupied as a two-family dwelling since it was converted from a single family dwelling under the provisions of the Building Code then applicable in or about 1922.

Resolved, that the decision of the borough superintendent dated June 21, 1943 be and it hereby is *reversed* and the appeal be and it hereby is *granted* revoking Certificate of Occupancy 3419 issued June 4, 1942.

Adjourned: 12:30 P. M.

JOSEPH J. DOYLE, Chief Clerk.

REGULAR MEETING

TUESDAY AFTERNOON, DECEMBER 14, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy.

APPEALS FROM ADMINISTRATIVE DECISIONS

28-35-A

APPLICANT—Neo Gravure Printing Co., Inc., (lessee), for Pioneer Real Estate Company, owner.

SUBJECT—Application reopened November 9, 1943—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—601-649 West 26th street, 600-652 West 27th street, 200-214 13th avenue and 245-259 11th avenue (Block 672, Lot 1), Borough of Manhattan.

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APPEARANCES—

For Applicant: John J. Gilmartin and Harley C. Alger.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Laid over to December 21, 1943 at 2 P. M. Applicant to file new decision from Borough Superintendent.

776-42-A

APPLICANT—Sidney H. Kitzler, for Berdean Holding Corporation, owner (Messing Bakeries, Inc., lessee).

SUBJECT—Application reopened June 29, 1943—re Appeal from a decision of the borough superintendent (previously denied).

PREMISES AFFECTED—821-827 Bergen street, north side, 350 ft. west of Classon avenue and 890-902 Dean street (Block 1141, part of Lot 28), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sidney H. Kitzler.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to December 21, 1943 at 2 P. M., for further consideration by the Board.

506-43-S

APPLICANT—Mason, Au and Magenheimer Confectionery Manufacturing Co., owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the fire commissioner.

PREMISES AFFECTED—22-28 Henry street and 73-79 Middagh street, northwest corner (Block 211, Lot 22), Borough of Brooklyn.

APPEARANCES—

For Applicant: Francis G. Hoyt.

ACTION OF BOARD—Laid over to December 21, 1943 at 2 P. M., at request of applicant.

516-43-A

APPLICANT—Saul Goldsmith, for Welbilt Stove Co., Inc., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—57-46 Flushing avenue, 59-05 60th avenue, 58-12 59th drive and 59-83 59th street, east side, 214 ft. 10 in. south of 59th drive (Block 2649, Lots 113 and 135 and Block 2653, Lot 5), Maspeth, Borough of Queens (Under section 35, General City Law (re bed of mapped street—59th street)).

APPEARANCES—

For Applicant: Norman Geiger and Saul Goldsmith.

For Opposition: Edward J. Luffy, Carl Stack, Fred Simon and Arthur Reiff.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to December 21, 1943 at 2 P. M., for further consideration by the Board.

524-43-A

APPLICANT—John Ewbank, for Continental Realty Investing Co., Inc., owner (Ralph L. Evans, d/b/a R. L. Evans Associates, lessee).

SUBJECT—Appeal from an order and decision of the fire commissioner.

PREMISES AFFECTED—793-801 Second avenue and 250 East 43d street, southwest corner (10th floor); (Block 1316, Lots 27, 28, 28½, 29 and 30), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Laid over to December 21, 1943 at 2 P. M., for further consideration by the Board.

605-42-A

APPLICANT—Shomer-Majestic Box Corporation (lessee), for 335 West 16th Street Corporation, owner.

SUBJECT—Application for consideration—reopening and restoration to calendar—Appeal from an order and a decision of the fire commissioner (previously withdrawn).

PREMISES AFFECTED—335-341 West 16th street, north side, 300 ft. east of Ninth avenue (Block 740, Lot 13), Borough of Manhattan.

APPEARANCES—

For Applicant: Israel Harkavy.

ACTION OF BOARD—Appeal reopened and restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy. 4
Negative 0

441-42-S

APPLICANT—General Register Corporation (lessee), for Herbert Callman, owner.

SUBJECT—Application reopened and restored to calendar December 7, 1943—Variation of the Labor Law as cited in a decision of the fire commissioner (previously withdrawn).

PREMISES AFFECTED—36-20 to 36-46 33rd street and 32-50 37th avenue, southwest corner (Block 601, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Saul Hammer.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (441-42-S)

WHEREAS, General Register Corporation (lessee), for Herbert Callman, owner, filed on May 28, 1942, an application for variation of the Labor Law as cited in a decision of the fire commissioner, affecting premises 36-20 to 36-46 33rd street and 32-50 37th avenue, southwest corner (Block 601, Lot 1), Long Island City, Borough of Queens; and

WHEREAS, this application was withdrawn on July 20, 1943 and the applicant requested a reopening and restoration to the calendar; and

WHEREAS, this application was reopened by vote of the Board on December 7, 1943, subject to usual procedure; and

WHEREAS, the decision of the fire commissioner dated April 29, 1942, reads:

"1. In response to your communication of April 23, 1942, you will please be advised that smoking is prohibited in the offices connected with your factory and the Fire Commissioner and Chief of the Department is without authority, under the law and the rules of the Board of Standards and Appeals, to issue a permit."

and

WHEREAS, the applicant states that the building is 5 stories (125 ft.) in height; 470 ft. by 70 ft. in area; of Class 1 construction; erected 1915—located in an unrestricted use district and used as follows: Cellar, boiler room and engine room, 4 persons; 1st floor, tenants, factory, 75 persons; 2nd floor, manufacturing hosiery, 20 persons; 3rd floor, manufacturing hosiery, 150 persons; 4th floor, manufacturing stationery, 150 persons; 5th floor, manufacturing picture frames, 80 persons, manufacturing ticket issuing machines and fire control instruments, 150 persons; that the building is equipped with a sprinkler system, standpipe system, fire alarm system and that fire drills are maintained; that there are five exterior fireproof stairs leading from street to roof; that Certificate of Occupancy 1526 was issued June

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10, 1925, permitting the use of the building throughout as a factory without any number of occupants stated; that this is an application to permit smoking in certain selected enclosed offices and corridors and in parts of the factory particular at the machines, milling machines, lathes and at certain of the assembly branches and test departments; that the plant is engaged in war work and permission to smoke is necessary to secure ultimate production of defense materials; and

WHEREAS, the applicant has now filed a recommendation of the Plant Security Officer, U. S. Army, Second Service Command, stating that it will be satisfactory for permission to smoke to be granted in the following areas: 1st floor, wash rooms, 5th floor, locker rooms and wash rooms and 5th floor office areas, all as indicated on drawings dated May 7, 1943; and

WHEREAS, copies of such drawings dated May 7, 1943, have been filed with the Board and marked "Received November 26, 1943"; and

WHEREAS, the applicant now requests the Board to reconsider this application, based on the recommendation of the Plant Security Officer, U. S. Army, and the drawings marked "Received November 26, 1943".

Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the Labor Law as cited in a decision of the fire commissioner, dated April 29, 1942, Objection 1, and that the application be and it hereby is *granted on condition* that no smoking shall be permitted within the premises occupied by the applicant, except within the wash rooms on the first floor and within the wash rooms, locker room and clerical offices on the fifth floor, where such spaces on each such floors are indicated on plans filed with this appeal marked "Received November 26, 1943"; that such spaces shall be enclosed in fireproof partitions; that proper receptacles shall be maintained within such spaces to the satisfaction of the fire commissioner; that the sprinkler system, standpipe system, fire alarm system and fire drills shall be maintained in accordance with the requirements therefor, and to the satisfaction of the fire commissioner; that such additional portable fire fighting appliances shall be maintained, where such smoking is herein permitted, as the fire commissioner shall direct; that a sign shall be posted, indicating no smoking is permitted throughout the building except in the spaces as herein permitted; that this variance shall continue only during the term of the present emergency, and that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto:

441-43-A

APPLICANT—Ira G. Hill, for Dorothy M. Hill, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—140-142 Metropolitan avenue, south side, 52 ft. 9 in. west of Berry street (Block 2364, Lot 19), Borough of Brooklyn.

APPEARANCES—

For Applicant: None

ACTION OF BOARD—Appeal dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (441-43-A)

WHEREAS, Ira G. Hill, for Dorothy M. Hill, owner, filed on September 10, 1943, an appeal from an order of the fire commissioner, affecting premises 140-142 Metropolitan avenue, south side, 52 ft. 9 in. west of Berry street (Block 2364, Lot 19), Borough of Brooklyn; and

WHEREAS, the applicant failed to complete the papers in this case, although duly notified to do so.

Resolved, that the appeal be and it hereby is *dismissed* for lack of prosecution.

444-43-A

APPLICANT—Metropolitan Engineering Co., owner.

SUBJECT—Appeal from decision of the borough superintendent.

PREMISES AFFECTED—1250 Atlantic avenue, south side, 100 ft. north of Nostrand avenue (Block 1200, Lot 21), Borough of Brooklyn.

APPEARANCES—

For Applicant: John H. Lawrence and G. S. Nobles.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (444-43-A)

WHEREAS, Metropolitan Engineering Company, owner, filed September 10, 1943, an appeal from a decision of the borough superintendent, affecting premises 1250 Atlantic avenue, south side, 100 ft. north of Nostrand avenue (Block 1200, Lot 21), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent on Alt. Applic. 3719-43, dated September 7, 1943, reads:

"3. Doors varying from the approval of the Board of Standards and Appeals to be submitted to the Board for their consideration and approval before they may be accepted by this Department."

and

WHEREAS, the applicant states that the building is four stories (37 ft.) in height, 400 ft. by 100 ft. in area at 1st and 2nd floor levels, 150 ft. by 100 ft. in area at 3rd and 4th floor levels; of Class 6 construction; erected 1916; located in an unrestricted use, C area district; equipped with a sprinkler system and used and occupied throughout for manufacturing of shells and equipment for war work, 375 persons; and

WHEREAS, the applicant contends that it is proposed to install a stationary panel of three hour approved construction, bolted to angle iron frame which frame will be expansion-bolted over masonry, to reduce opening heights to the permissible dimension of 14 ft. at one opening, 9 ft. 7 in. by 16 ft. 5 in., and one opening 8 ft. by 17 ft. 4½ in., to install at one 9 ft. 7 in. by 14 ft. opening, formed by the reduction height from 16 ft. 5 in. as proposed above, a sliding door constructed in accordance with the approval of the Board under Cal. 492-40-SM, as amended 11/30/43; that such door will be in two sections, spliced together, as the width is so large as to make it impossible to transport and handle it as a single unit; that it is also proposed to install at one opening 5 ft. 6 in. by 7 ft. 3 in. in area, a fire door of panel construction equipped with hardware identical to that approved under Cal. 492-40-SM, except that the door will be vertical acting, due to the fact there is no incline to slide the door or swing the door; that counterweights will be applied, to prevent door dropping under automatic operation in a way as to injure any person, as counterweighting will be almost equal to the door weight and door will be held open by a bob weight in automatic action, so arranged that the bob weight will only fall and allow the door to drop under restrain of the counter weights.

Resolved, that the decision of the borough superintendent, acting on Alt. 3719-43, Objection 3, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the doors as proposed shall be constructed and maintained to the satisfaction of the borough superintendent; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that a warning bell shall be attached to such door controlled by a contact switch to continue ringing of such bell while the door is moving downwardly

465-43-A

APPLICANT—M. Allen Schlendorf, for Benar Holding Corporation, owner (Gertz, Inc., lessee).

SUBJECT—Appeal from a decision of the borough superintendent.

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PREMISES AFFECTED—92-27 to 92-29 Union Hall street, east side, 255 ft. south of Jamaica avenue (Block 10102, Lot 72), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant—M. Allen Schlendorf.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (465-43-A)

WHEREAS, M. Allen Schlendorf, for Benar Holding Corporation, owner, (Gertz, Inc., lessee), filed September 28, 1943, an appeal from a decision of the acting superintendent; premises, 92-27 to 92-29 Union Hall street, east side, 255 ft. south of Jamaica avenue (Block 10102, Lot 72), Jamaica, Borough of Queens; and

WHEREAS, the decision of the acting borough superintendent, dated September 1, 1943, on Alt. Applic. 936-43, reads:

"1. Means of egress not in compliance with the Labor Law.

2. Live load not adequate."

and

WHEREAS, the applicant states the building is two stories, (22 ft.) in height, 40 ft. by 100 ft. in area at typical floor; 40 ft. by 110 ft. in area at 1st floor; erected in 1922; Class 3 construction; located in a business use district; occupied: Cellar, storage; 1st floor, storage; 2nd floor, stores; proposed to be occupied: cellar, storage; 1st floor, two stores, 15 persons; 2nd floor, mfg. of slip covers and tailor shop, and storage of department store merchandise, 28 persons; that the building is equipped with one 4 ft. wide stairs enclosed with partitions constructed of wood studs and stamped metal with wood door at 1st floor level; and

WHEREAS, the applicant contends the building was designed for 60 lbs. liveload and the actual liveloads imposed as presently used do not exceed this amount; that the Code requires 75 lbs. per sq. ft. and 120 lbs. per sq. ft. liveload; that the floors will be posted for 60 lbs. and the loads will not be permitted to exceed this amount; that the use of premises is needed by the owner as no other space is available for this purpose and use is in connection with department store housed in a main fireproof building on Jamaica avenue; that about a year ago, the owner recognized the necessity of extension and now plans to demolish this building in conjunction with others now owned and will construct a new fireproof structure on this site; and it is requested the Board permit the present temporary use until Government restrictions will permit the erection of the proposed building; that the second floor has two exits, consisting of a horizontal exit across the bridge over the roofs of two adjoining 1-story buildings into a fireproof building and the other a 4 ft. wide stair leading directly to the street and enclosed at 1st floor with metal covered partitions.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the Labor Law was cited in a decision of the borough superintendent, acting on Alt. Applic. 936-43, and that the appeal be and it hereby is granted for a term of two (2) years from the date of this resolution, to permit the second story to be occupied for factory purposes as proposed, on condition that the approved 60 lbs. per sq. ft. superficial loading shall be posted and at no time be exceeded; that the exits as shown on plans filed with the borough superintendent marked Alt. Applic. 936-43 filed July 1, 1943, shall be maintained; that during the term of such occupancy, the building shall not be increased in height or area; that such portable fire fighting appliances shall be maintained as the fire commissioner shall direct; that no smoking shall be permitted on the premises; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

520-43-A

APPLICANT—Lewyt Corporation, lessee, for Gretch Building No. 4, owner.

SUBJECT—Appeal from an order and decisions of the fire commissioner.

PREMISES AFFECTED—54-82 Broadway, southeast corner of Wythe avenue (Basement, 2nd, 8th and 10th floors); (Block 2130, Lot 5), Borough of Brooklyn.

APPEARANCES—

For Applicant: Bart M. Kevins.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy. 4

Negative 0

THE RESOLUTION (520-43-A)

WHEREAS, Lewyt Corporation, lessee, for Gretch Building No. 4, owner, filed on October 22, 1943, an appeal from an order and decisions of the fire commissioner, affecting premises 54-82 Broadway, southeast corner of Wythe avenue (Basement, 2nd, 8th and 10th floors); (Block 2130, Lot 5), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, acting on Order 10992-LF, dated August 7, 1943 and referred to in a decision dated September 28, 1943, reads:

"1. Arrange all doors leading to stairways on the 10th, 8th, 2nd and basement stories so that same can be opened from both sides. Section 272 of the Labor Law."

and

WHEREAS, the decision of the fire commissioner dated November 24, 1943, reads:

"We have your letter of November 19th requesting permission for your employees to smoke in your factory located at the above mentioned premises. We regret that your application must be denied for the reason that smoking in these premises is prohibited by the provisions of the Labor Law and the Rules of the Board of Standards and Appeals. Modifications may be made only by the Board of Standards and Appeals, Room 1000, Municipal Building, Manhattan."

and

WHEREAS, applicant states the building is ten stories, (115 ft.) in height, 259 ft. 8 in. by 77 ft. in area; Class 1 construction; erected in 1915; located in an unrestricted use, B area, district and occupied: 1st floor, manufacturing of candy and cartons, 50 persons; 2nd floor, manufacturing of ladies clothing, 80 persons; 3rd floor, manufacturing of men's clothing, offices and showrooms, 40 persons; 4th floor, same, 80 persons; 5th floor, manufacturing of optical glass, 10 persons and manufacturing of paper products, 25 persons; 6th floor, manufacturing of men's clothing, 80 persons; 7th floor, manufacturing of musical instruments, 48 persons; 9th floor, manufacturing of men's cloth, 245 persons; 10th floor, manufacturing of sheet metal products, 125 persons; that the building is equipped with a two-source sprinkler system and a standpipe system; that there are five 5 ft. wide fireproof stairs extending from roof to street and five exterior stairs leading to roof by stairs and to yard by stairs with egress to street from termination by means of an alleyway and that the windows and doors on the course are fire proof, self-closing; and

WHEREAS, the applicant contends that after inspection by the Second Service Command, Plant Security Office of the U. S. Army, it was instructed to install panic locks on the basement, 2nd, 8th and 10th floors, where shown on plans filed with this appeal; that the panic locks installed were manufactured by the Monarch Lock Co., Detroit, Mich. for approval of which application 156-43-SM is pending; and

WHEREAS, the applicant has filed copy of the recommendation of the Plant Security Office, recommending the installation of panic bolts and automatic warning devices on all exit doors of the plant; and

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WHEREAS, the applicant contends as to the decision of the fire commissioner, dated November 24, 1943, that it is extremely desirable to permit smoking by the employees and visitors to the executive officers and in view of the employees working long hours, it is necessary to afford some form of relaxation in order to stimulate production; that the areas where it is proposed to permit smoking, shown on plans filed with this appeal December 3, 1943, are fully enclosed with partitions of incombustible materials and so arranged as not to interfere with the operation of the sprinkler system; that in view of the fact smoking in the areas proposed, will not create any additional fire hazard, it is requested the Board permit such smoking for the duration of the war and for a period of six months thereafter; and

WHEREAS, the Plant Security Officer of the U. S. Army has been requested by the Board to submit his recommendation on the question of smoking; and

WHEREAS, the U. S. Army Plant Security Officer has recommended to this Board, that the application be granted as to smoking.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in an order of the fire commissioner, Order 10992-LF, Objection 1, dated August 7, 1943, and that the appeal be and it hereby is *granted on condition* that panic bolts shall be installed only on such doors as are indicated on the basement, 2nd, 8th and 10th floors, where marked to be so installed on plans filed with this appeal, marked "Received December 3, 1943"; that such panic bolts shall be of an approved type or shall be of a type as may be submitted for approval, provided same are approved within three (3) months; that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law and the Rules of the Board for Smoking in Factories, as cited in a decision of the fire commissioner, dated November 24, 1943, and that the application be and it hereby is *granted on condition* that smoking shall be permitted only in those areas as indicated on plans filed with this appeal marked "Received December 3, 1943" on the 2nd floor marked "offices" and on the 8th floor marked "offices"; that suitable receptacles shall be maintained within such spaces as the fire commissioner shall direct; that the sprinkler system and standpipe system shall be maintained throughout the building in accordance with the requirements therefor; that proper signs indicating "no smoking" within the factory, shall be posted and proper signs shall also be posted where smoking is herein permitted; that such portable fire fighting appliances shall be maintained in such spaces as the fire commissioner shall direct; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that these variances as to smoking and panic bolts shall continue only during the term of the present emergency.

546-43-A

APPLICANT—Colony House, Inc., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—297 Dean street, north side, 100 ft. west of Third avenue (Block 191, Lot 41), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sara McCaulley.

For Administration: Thomas A. Larkin, Fire Dep't., and John Oberwager, Health Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy. 4
Negative: 0

THE RESOLUTION (546-43-A)

WHEREAS, Colony House, Inc., owner, filed November 12, 1943 an appeal from an order of the fire commissioner, affecting premises 297 Dean street, north side, 100 ft. west of Third avenue (Block 191, Lot 41), Borough of Brooklyn; and

WHEREAS, order 11334-LF issued by the fire commissioner October 21, 1943 reads:

"1. Install an adequate interior electric fire alarm system in accordance with the rules of the Board of Standards and Appeals, and the enclosed approved layout. Section 487 E 2.0.-C-1, Adm. Code."

and

WHEREAS, the applicant states that the building is 2 stories (26 ft.) in height, 45 ft. 8 in. by 100 ft. in area, of Class 1 construction, erected in 1929, located in a residence use district and used as follows: cellar, ordinary use; 1st floor, children's community and clubhouse, 75 persons; 2nd floor, same, 100 persons; proposed to be used and occupied: cellar, ordinary use; 1st floor, children's community and clubhouse, 75 persons; 2nd floor, nursery school, 45 persons; that the building is equipped with two 3 ft. 8 in. wide fireproof stairs leading from roof bulkhead to grade with access from one stairs to street through side court; and

WHEREAS, the applicant contends that it is a charitable organization and is unable to afford the installation of the system required by the fire commissioner's order; that there is at present, an alarm system in the building, which is used for drills and which the applicant considers adequate; that the 45 nursery school children are located only one flight up in the building, which is of modern fireproof construction; that the children are in charge of teachers at the rate of one teacher for 10 children; and

WHEREAS, Certificate of Occupancy 58079 was issued October 7, 1929 and permitted the use of the first and second stories as children's community and clubrooms, number of persons not stated; and

WHEREAS, the applicant states that the building is equipped with a bell system connected with the basement, 1st and 2nd floors, manipulated by a push button located in the Director's office and that this system is now used for alert and fire drill purposes.

Resolved, that the order of the fire commissioner, acting on Order 11334-LF, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall be maintained substantially as proposed and as indicated on plans filed under N. B. Applic. 3270-29, Permit 3386-29; that the existing bell system as described, shall be maintained in proper working order for use in fire drills only; that periodic fire drills shall be maintained not less than twice each month; that at all times the children shall be in charge of responsible instructors; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, and that a new Certificate of occupancy, stating the number of persons permitted per floor, based on the stairways, shall be obtained.

550-43-A

APPLICANT—Parker Manufacturing Co., for New York City Housing Authority, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—Blocks bounded by Prince street, Park avenue, Carlton avenue, and Myrtle avenue; 1-60 Fleet walk, 330-342 Hudson walk, 8-110 Monument walk, 85-162 Navy walk, 36-88 St. Edwards street, 145-161 North Elliott walk, 287 Myrtle avenue, 14-32 Auburn place, 81-149 North Portland avenue, 56-151 North Oxford walk, 68-138 Cumberland walk, 135-140 Washington walk and 60-131 Carlton avenue (Blocks 2041, 2042, 2043, 135, 136, 137 and Super Blocks 1 and 2), Borough of Brooklyn.

APPEARANCES—

For Applicant: C. Carleton Parker.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy. 4
Negative: 0

MINUTES

THE RESOLUTION (550-43-A)

WHEREAS, Parker Manufacturing Co. for New York City Housing Authority, owner, filed October 25, 1943, an appeal from a decision of the borough superintendent affecting premises: Blocks bounded by Prince street, Park avenue, Carlton and Myrtle avenues; 1-60 Fleet walk, 330-342 Hudson walk, 8-110 Monument walk, 85-162 Navy walk, 36-88 St. Edwards street, 145-161 North Elliott walk, 287 Myrtle avenue, 14-32 Auburn place, 81-149 North Portland avenue, 56-151 North Oxford walk, 68-138 Cumberland walk, 135-140 Washington walk and 60-131 Carlton avenue (Blocks 2041, 2042, 2043, 135, 136, 137 and Super Blocks 1 and 2), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent, dated November 4, 1943 on N. B. Applic. 2474, 2239 and 2081-1940, reads:

"1. Hopper doors shall comply with section 11.2.5.2 subd. 3 par. 4 Bldg. Code. Denied."

and
WHEREAS, the applicant states the premises are located in business and unrestricted use, B area, districts and consist of thirty-five Class A multiple dwellings, 6, 11 and 13 stories in height for which temporary certificates of occupancy have been issued; and

WHEREAS, the applicant contends that permission is requested for the installation of 1-hour fire test incinerator hopper doors as manufactured by the Parker Manufacturing Co. under similar conditions as granted by the Board under Cal. 196-41-A and 676-40-A, as amended December 10, 1940, affecting different premises.

Resolved, that the decision of the borough superintendent, acting on N.B. Applic. 2474, 3349 and 2081 of 1940, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the incinerator hopper doors shall be of the type as submitted by the Parker Manufacturing Company as filed under Cal. 902-40-SM, which has been satisfactorily tested as an opening protective assembly for fire resistive rating of one hour (Protexol Report No. 103); that the incinerator as tested shall incorporate changes as follows: "Tight closing of door to be obtained by using a 2 lb. counterweight so placed as to make the hopper door self-closing and secured by welding or riveting to the hopper pan, and two oil tempered springs of such stiffness as to cause the door with help of counterweight, to spring tight against the frame, such springs to be protected from the heat of the incinerator shaft by at least $\frac{1}{4}$ in. metal covered asbestos around the exposed side of the box in the incinerator shaft; that the frame mounting in the wall shall be separated from the masonry by at least $\frac{1}{8}$ in. of asbestos, extending to all outside edges of the frame; that the incinerator door hinges shall be redesigned, so as to provide secure fastening to preclude removal of the door, except for repair or replacement; that an enamel sign having white letters on red background, shall be secured to the door reading "Keep Closed," and such letters shall be at least one-half inch in height; that these doors shall be maintained at all times in compliance with the above requirements.

556-43-A

APPLICANT—Sisters of St. John the Baptist, for Our Lady of Loretto's Church, owner.

SUBJECT—Appeal from a decision of the fire commissioner.

PREMISES AFFECTED—297-299 Elizabeth street, west side, 140 ft. south of Bleecker street (Block 521, Lot 37), Borough of Manhattan.

APPEARANCES—

For Applicant: Mother Gabriel and Sister Laititia.
For Administration: Insp. Maher, Fire Dep't and John Oberwager, Health Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (556-43-A)

WHEREAS, Sisters of St. John the Baptist, for Our Lady of Loretto's Church, owner, filed November 15, 1943, an appeal from a decision of the fire commissioner, affecting premises 297-299 Elizabeth street, west side, 140 ft. south of Bleecker street (Block 521, Lot 37), Borough of Manhattan; and

WHEREAS, the decision of the fire commissioner dated October 15, 1943, reads:

"In reply to your request to omit the installation of an interior fire alarm system in connection with the day care of 50 children on the first and second stories, you are advised as follows:

This department is without the authority to omit this requirement of the Fire Alarm Rules and your request must be denied.

An appeal from this decision may be filed with the Board of Standards and Appeals within 30 days."

and
WHEREAS, the applicant states that the building is 4 stories (40 ft.) in height, 74 ft. by 32 ft. in area, of Class 3 construction, located at the front of the lot, date of erection unknown, used and occupied since 1921 as follows: 1st floor, day nursery, 25 persons; 2nd floor, kindergarten, 25 persons; 3rd floor, sisters' quarters, 7 persons; 4th floor, kitchen; that the building is equipped with a substandard standpipe system, one 38 in. wood stairs enclosed in plastered partitions equipped with metal doors and one fire escape at the rear leading to yard; that Certificate of Occupancy 3270 issued in 1921, permits the use of the building as a day nursery on the basement, 1st and 2nd floors, 2 persons in the basement, 17 persons on the 1st floor and 31 persons on the 2nd floor and sleeping rooms for attendants on the 3rd floor and that the use of the 4th floor is limited to storage; and

WHEREAS, the applicant was requested to obtain a Certificate of Occupancy, permitting the present use and occupancy; and

WHEREAS, the applicant has filed a communication dated December 6, 1943 from the Borough Superintendent addressed to the Board, advising the Board that the Department of Housing and Buildings approved the 1st floor for 25 children and the 2nd floor for 25 children as a day nursery; and

WHEREAS, the applicant contends that it is impossible to comply with the fire commissioner's decision at the present time, as it would prove a serious financial burden; that it is impossible to obtain the equipment needed; that auxiliary fire equipment include a telephone system having three extensions, five $2\frac{1}{2}$ gallon soda and acid fire extinguishers, water and sand pails, Civilian Defense Equipment and interior wall telephone; that the nursery has been operating for 22 years and the children are always under the supervision of attendants; that it is therefore requested that the Board grant permission to omit the installation of a fire alarm system at the present time.

Resolved, that the decision of the fire commissioner, dated October 15, 1943, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the number of children on the first and second floors shall not exceed a total of 50; that in all other respects, the building shall be maintained substantially as proposed and in compliance with all laws and rules applicable; that periodical fire drills shall be maintained not less than twice each month; that gongs or bells for use with fire drills only shall be maintained; that such portable fire fighting extinguishers shall be maintained as the fire commissioner shall direct; that the secondary means of exit, consisting of a rear fire escape, shall be maintained in accordance with requirements, with free access to street through side court open to the street at all times while the children are within the building.

571-43-A

APPLICANT—Abyssinian Baptist Church, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

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PREMISES AFFECTED—132-142 West 138th street, south side, 300 ft. east of 7th avenue (Block 2006, Lot 52), Borough of Manhattan.

APPEARANCES—

For Applicant: Nelson E. Dixon.

For Administration: Insp. Maher, Fire Dep't and John Oberwager, Health Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (571-43-A)

WHEREAS, Abyssinian Baptist Church, owner, filed on November 24, 1943 an appeal from an order of the fire commissioner, affecting premises 132-142 West 138th street, south side, 300 ft. east of Seventh avenue (Block 2006, Lot 52), Borough of Manhattan; and

WHEREAS, order 17271-LF, issued by the fire commissioner February 23, 1943 and referred to in a decision of the fire commissioner dated November 24, 1943 reads:

"1. Install an adequate electric closed circuit interior fire alarm system in accordance with the Rules of the Board of Standards and Appeals and the enclosed approved layout. Sec. 487e-2.0-c-1 Adm. Code."

and

WHEREAS, the applicant states that the building is 3 stories and basement (75 ft.) in height, 145 ft. by 95 ft. in area at 1st floor, 143 ft. by 90 ft. in area at typical floor, of Class 3 construction, erected in 1923, located in a residence use, B area district and used and occupied as follows: sub-cellar, boiler room; basement, gymnasium, 150 persons; 1st floor, church and community house, 75 persons; 2nd floor, church and community house, 75 persons; 3rd floor, church and community house, 10 persons and proposed to be occupied as a day nursery on the 2nd and 3rd floors with a combined occupancy of 80 persons on these floors; that Certificate of Occupancy 7845 issued March 10, 1924 based on N.B. Applic. 171-21, described the building as non-fireproof construction and permits its use as a church and community house with the number of occupants as herein stated by the applicant; and

WHEREAS, the proposed occupancy of the 2nd and 3rd floors has been approved by the Borough Superintendent in a communication to the Health Department; and

WHEREAS, the applicant contends that the order of the fire commissioner cannot be complied with, as it is impossible to obtain the material necessary for the installation and due to the manpower shortage, the necessary labor cannot be obtained and it is therefore requested that the Board rescind the order for the duration of the present emergency, after which time the order will be complied with.

Resolved, that the order of the fire commissioner acting on Order 17271-LF, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the number of children in the nursery school shall not exceed a total of 80 children; that such nursery school occupancy shall be restricted to the 2nd and 3rd floors; that fire drills shall be maintained in charge of instructors, and in connection therewith, there shall be an electric push button on the ground floor to operate a gong on the second floor for fire drill purposes only; that the exits as shown on N.B. Applic. 171-1921, shall be maintained; that exit from the rear exterior stairway through the adjoining church building, shall be available at all times while the nursery school is in operation; that in all other respects, all laws, rules and regulations shall be complied with, including the requirements of Certificate of Occupancy 7845.

599-43-A

APPLICANT—Rev. Dr. Frederick B. Newell, for New York Society of the Methodist Church, owner.

SUBJECT—Appeal from a decision of the fire commissioner and a decision of the borough superintendent.

PREMISES AFFECTED—209 West 129th street, north side, 125 ft. west of 7th avenue (Block 1935, Lot 26), Borough of Manhattan.

APPEARANCES—

For Applicant: Rev. Dr. Frederick B. Newell and John B. Mooney.

For Administration: Fred Dahlem, Dep't of Housing and Buildings, Insp. Maher, Fire Dep't and John Oberwager, Health Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (599-43-A)

WHEREAS, Rev. Dr. Frederick B. Newell, for the New York Society of the Methodist Church, owner, filed December 10, 1943, an appeal from a decision of the borough superintendent and a decision of the fire commissioner, affecting premises 209 West 129th street, north side, 125 ft. west of 7th avenue (Block 1935, Lot 26), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated December 4, 1943, on Alt. Applic. 855-43, reads:

"3. The proposed nursery or school in a Class 3 building more than 30 ft. or 2 stories high is contrary to Sec. 4.2.1. Build. Code (See Sec. 3.1.1. B.C.)

4. The proposed nursery use will not be permitted above the first floor (See the Borough Superintendent's letter dated November 3, 1943.)"

and

WHEREAS, the decision of the fire commissioner dated December 2, 1943, reads:

"In reply to your letter of December 2, 1943, you are advised that an interior fire alarm system is required in all day nurseries where there are accommodations for more than 30 children."

and

WHEREAS, the applicant states the building is three stories and basement (40 ft.) in height; 18 ft. 9 in. by 45 ft., in area; of Class 3 construction; erected about 1890; located in a residence use, B area district and used and occupied as follows: Cellar, storage; basement, church office; 1st floor, pastor's office; 2nd floor, vacant; 3rd floor, vacant and proposed to be used and occupied as follows: basement, reception room, 20 persons; 1st floor, day nursery, 25 persons; 2nd floor, day nursery, 20 persons; 3rd floor, offices, 6 persons; that the building is equipped with one 3 ft. wide wood stairs enclosed in partitions constructed of wood studs, wood lath and plaster, equipped with 1¾ in. hardwood doors and two fire escapes, one at the front extending from top story to balcony at level of front stoop and one at the rear extending from roof to rear yard with egress from termination through adjoining church in the same ownership; and

WHEREAS, the applicant contends that an application was filed with the borough superintendent, requesting the use of the first and 2nd floors as a day nursery for 45 children between the ages of 2 and 5 years; that the building in question is a part of the church property and has a direct communication to the church building, as indicated on plans filed with the borough superintendent; that it is proposed to erect a 3 ft. 8 in. wide fire stairs leading to the side doorway to church; that the building is heated from the adjoining church; that there will be no cooking or preparing of food on the premises and there will be no occasion to use the cellar for storage in connection with the proposed use; and

WHEREAS, the applicant contends, as to the fire commissioner's decision relating to the installation of fire alarm system, that it will be impossible to get material for such installation and it is requested that the order be suspended for the duration of the present emergency.

Resolved, that the decision of the borough superintendent, acting on Alt. Applic. 855-43, Objections 3 and 4, and the decision of the fire commissioner dated December 2, 1943, be

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and they hereby are *modified* and that the appeal be and it hereby is *granted on condition* that the building shall not be increased in height or area; that the additional means of exit consisting of a fire escape on the rear and alterations to the fire escape on the front, shall be carried out as indicated on plan filed with the borough superintendent under Alt. Applic. 855-43, dated "Received September 15, 1943," and in addition, that the doors on the first and second floors between the rooms, shall be made double acting, so as to provide ready access to both front and rear fire escapes at all times as well as to the primary means of exit consisting of the hall stairway; that the stairway from the rear yard to the church premises, as shown, shall be placed in good condition and maintained to the satisfaction of the borough superintendent; that there shall be installed in the basement, an electric push button to operate a gong on the first and second floors, to be used only in connection with fire drills, which shall be maintained not less than once every two weeks, that the nursery shall at all times be under the charge of competent attendants; that such portable fire fighting appliances shall be maintained as the fire commissioner shall direct; that the total number of children in the proposed nursery on the first and second floors shall not exceed 45; that such nursery shall be conducted in the daytime only; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that this variance shall continue only during the term of the present emergency and for not over six months thereafter.

896-39-A

APPLICANT—Koch and Wagner, for Cecile Vogel, Estelle Vogel and Levi Morrow, owners.

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—163 Remsen street, north side, 237 ft. east of Clinton street (Block 250, Lot 13), Borough of Brooklyn.

APPEARANCES—

For Applicant: Harry L. Yakel.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (896-39-A)

WHEREAS, this appeal from a decision of the acting borough superintendent, affecting premises 163 Remsen street, north side, 237 ft. east of Clinton street (Block 250, Lot 13), Borough of Brooklyn, was granted by the Board on July 18, 1939, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on July 18, 1939, by adding thereto:

" . . . that in the event the owner desires to occupy the first floor and the rear portion of the second floor as a restaurant and restaurant kitchen, such use may be permitted, provided in all other respects, the requirements of this resolution and all laws applicable are complied with, and that the building shall not be increased in height or area."

675-41-A

APPLICANT—Charles A. Levitt, for 114 North Fourth Street Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete work—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—76-116 North 4th street, south side, between Berry street and Wythe avenue, 199-203 Wythe avenue and 176-180 Berry street (Block 2350, Lots 4 and 13), Borough of Brooklyn.

APPEARANCES—

For Applicant: Charles A. Levitt.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (675-41-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 76-116 North 4th street, south side, between Berry street and Wythe avenue, 199-203 Wythe avenue and 176-180 Berry street (Block 2350, Lots 4 and 13), Borough of Brooklyn, was granted by the Board on July 22, 1941, on certain conditions, resolution amended on December 15, 1942 and the applicant requested an extension of time to complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted July 22, 1941, as amended December 15, 1942, only so far as it has reference to the time in which this proposed sprinkler system is to be installed, so that as amended, this portion of the resolution shall read:

" . . . that such sprinkler system shall be installed within one (1) year from the date of this *amended* resolution, . . ."

718-42-A

APPLICANT—A. Gordon Lorimer, Chief, Bureau of Architecture, Department of Public Works, for the Department of Hospitals, City of New York, owner.

SUBJECT—Application for consideration—reopening and extension of permit—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—149-25 Rockaway Beach boulevard, south side, 100 ft. west of Beach 149th street (Block 810, Lot 1); (Neponsit Beach Hospital), Rockaway Beach, Borough of Queens.

APPEARANCES—

For Applicant: Abraham Prober.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (718-42-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 149-25 Rockaway Beach boulevard, south side, 100 ft. west of Beach 149th street (Block 810, Lot 1); (Neponsit Beach Hospital), Rockaway Beach, Borough of Queens, was granted by the Board on December 15, 1942, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on December 15, 1942, only so far as it has reference to the term of the variance, so that as amended, the resolution shall read:

"*Resolved*, that the decision of the borough superintendent on Alt. Applic. 21-40, Obj. No. 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted*, to permit the continuation of the existing wood fire escapes previously temporarily permitted until the proposed fireproof fire tower stairways to replace unsafe fire escapes were constructed for one (1) year from the date of this *amended* resolution, *on condition* that such fire escapes and the windows and openings along the course of the fire escapes shall be made to

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conform to the requirements of the borough superintendent including the construction of doors leading directly to the temporary fire escapes from each floor; that such fire escapes, during the term of this permit, shall be maintained in good safe structural condition and all obstructions kept removed therefrom.

Resolved, further, that this variance is granted on the understanding that the building is now vacant and will not be occupied except for temporary emergency; that if any other type of occupancy is proposed, this matter shall be referred back to the Board for consideration."

824-42-A

APPLICANT—Emile L. Capel, for Estate of Finlay Johnson Sheppard, owner (Charles C. Huitt, Executor); (Gimbel Brothers, lessee); (request for reopening made by lessee).

SUBJECT—Application for consideration—reopening and extension of permit—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—579 Fifth avenue, northeast corner of East 47th street (Block 1283, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: W. W. Kopeck.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (824-42-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 579 Fifth avenue, northeast corner of East 47th street (Block 1283, Lot 1), Borough of Manhattan, was granted by the Board on December 22, 1942, on certain conditions and the applicant requested an extension of the permit.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on December 22, 1942, only so far as it has reference to the term of the permit, so that as amended, this portion of the resolution shall read:

"...that it may be occupied as proposed for a term of one (1) year from the date of this amended resolution, ..."

7-43-S

APPLICANT—Eagle Precision Tool and Mfg. Co. (lessee), for Dennison and Sons, owners.

SUBJECT—Application for consideration—reopening and restoration to calendar—Variation of the labor law as cited in an order and a decision of the fire commissioner and a decision of the acting borough superintendent (previously withdrawn).

PREMISES AFFECTED—35-35 to 35-45 36th street, east side, 92.5 ft. north of 36th avenue (5th floor); (Block 640, Lot 4), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: William Shary.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened, restored to calendar and granted on condition.

THE VOTE TO REOPEN, RESTORE TO CALENDAR AND GRANT ON CONDITION—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (7-43-S)

WHEREAS, this application from an order and a decision of the fire commissioner and a decision of the acting borough superintendent, affecting premises 35-35 to 35-45 36th

street, east side, 92.5 ft. north of 36th avenue (5th floor); (Block 640, Lot 4), Long Island City, Borough of Queens, was withdrawn on July 27, 1943 and the applicant requested a reopening and restoration to the calendar; and

WHEREAS, Order 9648-LF issued by the fire commissioner, dated October 21, 1942, reads:

"1. Remove all partitions not built of incombustible material on 5th floor as per sections 263 and 270 of the Labor Law."

and

WHEREAS, the decision of the fire commissioner dated December 1, 1942, reads:

"In response to your letter of November 19th wherein you request an extension of time with respect to Order 9648-LF, you will please be advised that your request must be denied for the reason that this order has been issued under a mandatory provision of the Labor Law over which the fire commissioner has no discretion."

and

WHEREAS, this application was withdrawn July 27, 1943 and the applicant subsequently filed plans and applications with the borough superintendent for the erection of the partitions in question and has received the following objection to Misc. Applic. 1986-43, dated November 12, 1943:

"1. Partitions adjoining the work room, must be entirely of incombustible material (Sec. 270-6-Labor Law)."

and

WHEREAS, the applicant states the building is 6 stories (78 ft.) in height, 100 ft. front by 131 ft., irregular in depth, of Class 1 construction; erected in 1920; located in an unrestricted use district and occupied as follows: Cellar, storage of paper, 2 persons; 1st floor, lithographing, 21 persons; 2nd and 3rd floors, printing and binding, 34 and 28 persons, respectively; 4th floor, office, 32 persons; 5th floor, manufacturing tools and dies, 60 persons; that the building is equipped with a two-source sprinkler system, standpipe and interior fire alarm systems and that fire drills are not maintained; that there are two 44 in. wide interior fireproof stairs leading from roof bulkhead directly to the street; that Certificate of Occupancy 1773 was issued April 21, 1921, permitting the use of the building for factory, number of occupants not stated; and

WHEREAS, the applicant contends that the plant is operated for the production of defense materials on Government contracts, bearing A-A-1 priorities; that the partitions are absolutely essential and if required to be removed, would harm the working conditions of the plant and hinder production of vital war materials.

Resolved, that this application be and it hereby is reopened and restored to the calendar and that the Board of Standards and Appeals does hereby make a variation in the application of the requirements of the labor law, as cited in the decision of the borough superintendent acting on Misc. Applic. 1986-43, Objection 1, and that the application be and it hereby is granted for a term of two (2) years from the date of this resolution, to permit the continuance of the partitions as shown on revised plans marked "Received December 14, 1943," and filed at this meeting, on condition that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board under Cal. 87-35-A and 889-42-S; that this variance shall apply to the partitions so shown on the fifth floor only; that the sprinkler system, standpipe system and interior fire alarm system shall be maintained in accordance with the requirements therefor and to the satisfaction of the fire commissioner.

290-43-A

APPLICANT—S. J. Koff, for Sidem Realty Co., owner (The Charles Fischer Spring Co., lessee).

SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from orders and a decision of the fire commissioner.

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PREMISES AFFECTED—517-525 Union avenue, west side, 47 ft. south of Withers street (Block 2315, Lot 14), Borough of Brooklyn.

APPEARANCES—

For Applicant: Seymour Koff.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy. 4
Negative 0

THE RESOLUTION (290-43-A)

WHEREAS, this appeal from orders and a decision of the fire commissioner, affecting premises 517-525 Union avenue, west side, 47 ft. south of Withers street (Block 2315, Lot 14), Borough of Brooklyn, was granted by the Board on June 29, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on June 29, 1943, so that as amended, the resolution shall read:

"Resolved, that the order of the fire commissioner Order 95132-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the proposed addition to the building shall be substantially as indicated on plans filed with this appeal, marked 'Received June 28, 1943' and shall be of Class 1 construction and approved as to construction and occupancy by the borough superintendent; that the sprinkler system shall be extended from the adjoining building to cover this addition; that the skylight in the roof shall be equipped with fixed louvers as indicated; that the connections between the cylinders and the furnaces shall be of flexible metal tubing, arranged to the satisfaction of the fire commissioner; that such space shall be occupied for the brazing of metal only; that all controlling and regulating apparatus used in conjunction with the hardening or tempering furnaces shall be of approved type; as to Order 93856-LC, that in the portion of the building where persons are at work brazing goggles, the person in charge of such operatives shall at all times hold a certificate of fitness issued by the fire commissioner.

Resolved further, that in the event the owner desires to construct the vault above referred to on the exterior of the building as indicated on revised plans marked 'Received December 14, 1943,' filed at this hearing, such location may be approved, in lieu of the location of the vault within the building as formerly proposed, provided the vault is constructed as indicated under plans approved by the borough superintendent and has a skylight with fixed louvers over as indicated; that the connections between the cylinders and furnaces may be flexible metal duct or rubber type and arranged to the satisfaction of the fire commissioner."

APPLIANCES AND MATERIALS SUBMITTED FOR APPROVAL

159-37-SA

APPLICANT—Herbert A. Greene, sole owner, trading as M. L. Snyder and Son and Stempel Fire Extinguisher Mfg. Co.

SUBJECT—Stempel Pressure Type Fire Extinguisher, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy. 4
Negative 0

THE RESOLUTION (159-37-SA)

WHEREAS, M. L. Snyder and Son, owner, filed on April 6, 1937, an application with the Board of Standards and Appeals, for the approval of the appliance known as the Stempel Pressure Type Fire Extinguisher; and

WHEREAS, the applicant failed to arrange for a test and inspection of this appliance, although duly notified to do so.

Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

223-41-SM

APPLICANT—Justrite Manufacturing Company, owner.

SUBJECT—Justrite Screens for Safety Cans for storing inflammable liquids, approval of.

APPEARANCES—

For Applicant: Elmer J. Lybrit.

ACTION OF BOARD—Application withdrawn on request of applicant's representative.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

470-42-SA

APPLICANT—Staten Island Chemical Corporation, owner.

SUBJECT—Application reopened and restored to calendar—re CEN-D-OUT (for extinguishing incendiary bombs), approval of (previously withdrawn).

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy... 4
Negative 0

THE RESOLUTION (470-42-SA)

WHEREAS, the Staten Island Chemical Corporation, owner, filed on June 15, 1942, an application with the Board of Standards and Appeals, for approval of the appliance known as CEN-D-OUT (for extinguishing incendiary bombs); and

WHEREAS, this application was withdrawn on July 28, 1942 and the applicant requested a reopening and restoration to the calendar; and

WHEREAS, this case was reopened by vote of the Board on September 22, 1942 and referred to the Committee on Tests of the Board for test and report; and

WHEREAS, the applicant failed to arrange for a test and inspection of this appliance, although duly notified to do so.

Resolved, that the application and it hereby is *dismissed* for lack of prosecution.

904-42-SM

APPLICANT—Anti-Flame Chemical Corp., agent for Giovanni Fiore, owner.

SUBJECT—Flame-Pruf Solution, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy.. 4
Negative 0

THE RESOLUTION (904-42-SM)

WHEREAS, Giovanni Fiore, owner, filed on December 29, 1942, an application with the Board of Standards and Appeals for the approval of the material known as Flame-Pruf Solution; and

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WHEREAS, the applicant failed to arrange for a test and inspection of this material, although duly notified to do so.
Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

1026-22-SA

APPLICANT—The Anthony Company, owner.

SUBJECT—Application reopened December 7, 1943—re Anthony Nebulyte Oil Burner, Model BG-H (for use with gas fuel), approval of.

APPEARANCES—

For Applicant: Vincent Singer.

ACTION OF THE BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy... 4

Negative 0

THE RESOLUTION (1026-22-SA)

WHEREAS, The Anthony Company, owner, filed on September 28, 1922, an application with the Board of Standards and Appeals, for the approval of the appliance known as the Anthony Nebulyte Oil Burner; and

WHEREAS, this appliance was approved by the Board on May 13, 1924, on certain conditions and on March 15, 1932, the resolution was interpreted, approving all sizes of this burner; and

WHEREAS, the resolution was amended on December 19, 1939 and the applicant requested a further amendment of the resolution, to permit the approval of Model BG-H (for use with gas fuel); and

WHEREAS, this case was reopened by vote of the Board on December 7, 1943 and referred to the Committee on Tests of the Board, for test and report; and

WHEREAS, the report of the Committee on Tests reads:

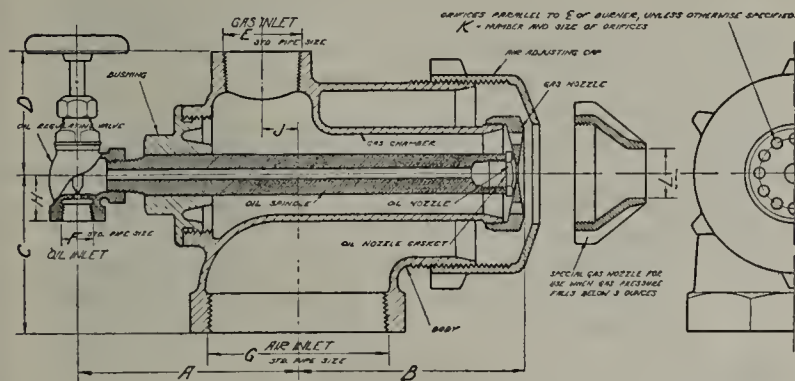
REPORT OF COMMITTEE ON TESTS

Re: Cal. 1026-22-SA

December 10, 1943.

Subject: The Anthony Nebulyte Oil Burner for Use with Gas Fuel, Model BG-H, Approval of.

Under date of May 13, 1924, the Board approved the Anthony Nebulyte Oil Burner for Use with Grade A fuel oil in industrial manufacturing operations under certain conditions. The resolution was amended December 19, 1939, to include the approval of the Burner for industrial and commercial use with fully automatic operation with #4 and #5 oil and #6 oil when preheated. These models as approved are: Anthony Nebulyte Oil Burner, Type A, and Type P, and Models BA-2½ (b-c), BA-3, BA-3 (C-S), BA-4. Request has been made for further amendment to approve the Anthony Nebulyte Oil Burner, Model BG-H for use with gas fuel.



SIZE	A	B	C	D	E	F	G	H	J	K	L
3"	5 1/2"	5 1/2"	5"	5 1/2"	1"	5"	5"	1 1/2"	5"	10 1/2"	8"
4"	5 1/2"	5 1/2"	5"	5 1/2"	1 1/2"	5"	5"	1 1/2"	5"	10 1/2"	8"
6"	5 1/2"	5 1/2"	5"	5 1/2"	1 1/2"	5"	5"	1 1/2"	5"	10 1/2"	8"

Fig. 1

The Anthony Nebulyte Oil Burner, Model BG-H is designed for use with gas fuel as well as oil. This model consists of a cast iron body containing an oil spindle in the center, a gas chamber and an air chamber. At the outlet of each chamber and of the oil spindle there is a tip made of cast iron or bronze for the gas or air, and of brass for the oil. Gas is supplied around the oil spindle; air is supplied around the gas chamber and the mixing occurs outside the burner tip. Air is supplied by a centrifugal fan at from 6 oz. to 20 oz. pressure and gas is supplied at from 4 to 5 in. water pressure from the street mains. A gas pilot attached to the gas line between the burner tip and combustion block, supplies the ignition.

The burner is constructed in sizes and dimensions as shown in Fig. 1.

TEST

Inspection and test was made of this burner at 50-11 Vernon Blvd., L.I.C. on Dec. 9, 1943. Present at the test were the representatives of the Committee on Tests and the Division of Combustibles of the Fire Department and of the manufacturer. The burner tested was of a 3 in. size and was operating on a heat treating pot type furnace not connected to a flue. The burner was manually controlled and operated and functioned properly and gases disappeared into well-ventilated spaces.

RECOMMENDATION

On the basis of this inspection and test, it is recommended that the resolution of the Board adopted May 13, 1924, as amended Dec. 19, 1939 be further amended to include the approval of the Anthony Nebulyte Oil Burner, Model BG-H for use with gas and air, as a fully automatic system with all controls to shut off gas if pilot light fails or if the flame fails or if the gas pressure falls below a predetermined minimum or such controls may be waived in industrial installations, when the operator holds a Certificate of Fitness for operating an oil burner and is in continual attendance while the burner is in operation and that a manually operated shut-off valve be located on the gas line within immediate reach of operator and that second-shut-off valve be provided remotely located, to the satisfaction of the fire commissioner, so that the burner can be shut off at a distant point and that on such installations other than industrial installations not less than 25% of flue opening be maintained at all times and that while gas is turned on, the air blower shall be in continuous operation. On industrial installations similar requirements shall apply, except that furnaces located in large well ventilated areas with adequate fixed ventilation consisting of louvers, need not be connected to a flue or legal chimney. Otherwise each gas burning unit shall be connected to a legal flue, outlet pipe or chimney, and that the requirements of the resolution of December 19, 1939, as to labelling be complied with.

(Sgd.) BERNARD A. SAVAGE,
 Commissioner,

CHARLES M. BLUM,
 Commissioner,

LESLIE V. HUBER,
 Chief Engineer.
 Committee on Tests.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on May 13, 1924, as amended on December 19, 1939, in accordance with the Report of the Committee on Tests.

477-43-SM

APPLICANT—Clarion Chemical Corporation, owner.

SUBJECT—Flameproof M Flameproofing Compound, approval of.

APPEARANCES—

For Applicant: E. T. Kennedy.

MINUTES

ACTION OF BOARD—Material approved in accordance with report of Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy... 4
Negative 0

THE RESOLUTION (477-43-SM)

WHEREAS, the Clarion Chemical Corporation, owner, filed on September 14, 1943, an application with the Board of Standards and Appeals for approval of the material, known as Flameproof M Flameproofing Compound; and

WHEREAS, this material was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

December 1, 1943

Re: Cal. 477-43-SM

Subject: Flameproof M. Flameproofing Compound, Approval of

The Clarion Chemical Corporation of Newark, New Jersey, filed September 14, 1943 an application with the Board of Standards and Appeals for approval of Flameproof M Flameproofing Compound, under the provisions of Secs. C26-178.0b and C26-721.0b of the Administrative Building Code and the rules of the Board of Standards and Appeals Tests of Fire-resistive, Flameproof Materials, such as Textiles, Paper, Similar Material and Adhesives Used for Decorative Purposes and Treated Acoustical Draperies, Carpets and Similar Materials for use in places of Public Assembly and Special Occupancy Structures adopted under Cal. 294-40-SR.

Description

Flameproof M Flameproofing Compound (40% solution) is a phosphate compound which is dissolved in water in the proportion of 40 lbs. to 100 lbs. of water at room temperature. It has a Sp Gr of 1.096 and the PH value is 6.8 (Coleman meter). It is applied by immersing or treating fabrics in standard textile processing equipment such as jiggers, quetch or open vessels. After that the excess material is removed by nipper or squeeze rolls and the fabric is dried.

The approximate chemical analysis of the material is:

Organic phosphate.....36%
Mono-ammonium phosphate..... 8%
Water56%

Fabrics submitted for test purposes were treated at the plant of the Clarion Chemical Company at Main and George Streets, Newark, New Jersey, in the presence of the Committee on Tests. Sufficient solution was made to saturate plain cotton material, cotton marquisette and rayon. Excess moisture was removed by squeeze rolls and the material air dried. The fabric was then forwarded to the Better Fabrics Testing Bureau, Incorporated, for test in accordance with the rules of the Board with the following results:

Sample #1 (Cotton treated)

Flashing—none
Duration of flame—no flaming
Duration of glow—no glowing

Sample #2 (cotton marquisette treated)

Flashing—none
Duration of flame—no flaming
Duration of glow—no glowing

Sample #3 (rayon treated)

Flashing—none
Duration of flame—no flaming
Duration of glow—no glowing

Samples of the three fabrics, untreated, flamed and burned readily.

The whip and flame tests were conducted in accordance with the Rules of the Board in the presence of the Committee on Tests.

RECOMMENDATION

On the basis of the foregoing data, the Committee on Tests recommends the approval of Flameproof M Flameproofing Compound for use on fabrics listed herein as susceptible of being satisfactorily flameproofed by the proper application of this flameproofing compound of the saturation Sp. Gr. and P.H. value as given herein. Tests for each specific installation of originally treated combustible material, or any retests thereof, shall be made by the fire commissioner, or in a laboratory approved by him in accordance with the Rules of the Board hereinbefore referred to. This recommendation is under the authority of C26-191.0, a.

The Committee further recommends that each container in which this material is marketed shall be labelled or marked "Approved by the Board of Standards and Appeals for use in New York City under Cal. 477-43-SM." The label shall also include specifications and solution strength to be observed in the application of Flameproof M Flameproofing Compound to the various types of fabrics so as to insure their being flameproofed in accordance with the requirements of the Rules for "Test of Fire-resistive, Flameproof Materials, such as Textiles, Paper, Similar Material and Adhesives used for Decorative Purposes and Treated Acoustical Draperies, Carpets and Similar Materials, for use in places of public assembly and Special Occupancy Structures," adopted by the Board under Cal. 294-40-SR.

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on tests.

and

WHEREAS, this report recommended the approval of this material.

Resolved, that the Board of Standards and Appeals does hereby approve the material known as Flameproof M Flameproofing Compound, on condition that the material be manufactured, used and labelled, stamped or tagged in accordance with above report

547-43-SM

APPLICANT—Albi Firepel Corporation, for Albi Chemical Corporation, owner.

SUBJECT—Albi Flameproof Compound K and Albi Flameproof Compound X, approval of.

APPEARANCES—

For Applicant: Thomas Prendergast.

ACTION OF BOARD—Material approved in accordance with report of Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy... 4
Negative 0

THE RESOLUTION (547-43-SM)

WHEREAS, the Albi Firepel Corporation, for the Albi Chemical Corporation, owner, filed on November 12, 1943, an application with the Board of Standards and Appeals for approval of the material known as Albi Flameproof Compound K and Albi Flameproof Compound X; and

WHEREAS, this material was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

MINUTES

REPORT OF COMMITTEE ON TESTS

December 9, 1943.

Cal. 547-43-SM

Subject: Albi Flameproof Compound K and Albi Flameproof Compound X, Approval of.

The Albi Firepel Corporation of New York City filed an application with the Board of Standards and Appeals for approval of Albi Flameproof Compound K and Albi Flameproof Compound X, under the provisions of C26-178.0b and C26.721.0b of the Administrative Building code and the Boards Rules for Tests of Fire-Resistive Flameproofed Materials, adopted by the Board under Cal. #294-40-SR.

DESCRIPTION

Compound K is a complex amino phosphate-borate, whose pH is approximately 7.8 in a 15% solution Sp.G. 1.092 at 20°C. Compound X is a complex phosphate-borate whose pH is approximate 7.6 in a 15% solution Sp.G. 1.095 at 20°C.

Both the solutions prepared by dissolving 15 parts by weight of the compound in 85 parts by weight of water. The material to be flameproofed, light and heavy cotton cloth (Lawn and Airplane), respectively is immersed in the solution until thoroughly wetted, then run through squeeze rollers and dried in air, at room temperature. Fabrics submitted for test were treated at the plant of the United States Testing Company, Inc., Hoboken, N. J. and test were also conducted at this plant in the presence of the Committee on Tests and representative of the applicant.

TEST

3 specimens of each material treated with each compound were tested.

Compound K

	Flashing	Flaming	Afterglow
Cotton Lawn	None	None	None
Cotton Airplane Fabric	"	"	"

Compound X

	Flashing	Flaming	Afterglow
Cotton Lawn	None	None	None
Cotton Airplane Fabric	"	"	"

In tests of untreated material cotton lawn, the sample was consumed in 10 seconds and the sample of Cotton Airplane Fabric in 20 seconds.

The whip and flame tests were conducted in accordance with the requirements of the Rules of the Board.

RECOMMENDATION

On the basis of the foregoing data, the Committee on Tests recommends the approval of Albi Flameproof Compound K and Albi Flameproof Compound X for use on fabrics listed herein as susceptible of being satisfactorily flameproofed by the proper application of this flameproofing compound of the saturation, Sp. Gr. and pH value as given herein. Tests for each specific installation of originally treated combustible material, or any retests thereof, shall be made by the Fire Commissioner, or in a laboratory approved by him in accordance with the Rules of the Board hereinbefore referred to. This recommendation is under the authority of C26-191.0, a.

The Committee further recommends that each container in which this material is marketed shall be labelled or marked "Approved by the Board of Standards and Appeals for use in New York City under Cal. 547-43-SM". The label shall also include specifications and solution strength to be observed in the application of Albi Flameproof Compound K and Albi Flameproof Compound X to the fabric so as to insure its being flameproofed in accordance with the requirements of the Rules for "Test of Fire-resistive Flameproof Materials, such

as Textiles, Paper, Similar Material and Adhesives used for Decorative Purposes and Treated Acoustical Draperies, Carpets and Similar Materials, for use in places of Public Assembly and Special Occupancy Structures," adopted by the Board under Cal. 294-40-SR.

(Sgd.) BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this material.

Resolved, that the Board of Standards and Appeals does hereby approve the material known as Albi Flameproof Compound K and Albi Flameproof Compound X, on condition that the material be manufactured, used and labelled, stamped or tagged in accordance with above report.

Adjourned: 5:15 P.M.

JOSEPH J. DOYLE, Chief Clerk.

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held on October 5, 1943, as they appeared in Bulletin No. 41, Vol. 28, are hereby corrected to read as follows:

THE RESOLUTION (495-32-BZ)

WHEREAS, this application under section 21 of the zoning resolution, permitting partly in a business use and partly in a residence use district, the erection and maintenance of a gasoline service station, affecting premises 122-13 to 122-21 Rockway boulevard, northwest corner of 123rd street (Block 2512, part of Lot 7), South Ozone Park, Borough of Queens, was granted by the Board on January 23, 1934, on certain conditions, resolution amended on May 8, 1934 and June 15, 1943 and the applicant requested a further amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of January 23, 1934, as amended May 8, 1934 and June 15, 1943, so that as amended, the resolution shall read:

"Granted on condition that the premises to be occupied shall be leveled substantially to the grade of Rockaway boulevard and East 123rd street; that the accessory buildings shall be located toward the northerly portion of the plot as indicated on plans filed with this application; that the accessory building shall be constructed of brick and incombustible material, except that the roof beams and roof boarding, door frames and doors, window frames and sash may be of wood, provided the roof surfacing is of incombustible material and all ceilings are fire-retarded in accordance with the rules of the Board; that these buildings shall not exceed one story in height and shall have no cellar or excavation except for greasing pits; that there shall be erected on the lot line where not covered by walls of the accessory buildings on East 123rd street to the intersection of Rockaway boulevard, a brick wall faced on both sides with face brick to match that used on the accessory building; that this wall shall be not less than 4 ft. in height, except that it may be not less than 2 ft. in height for a distance of 25 ft. from the corner formed by the intersection of Rockaway boulevard and East 123rd street; that this wall shall be coped with a sloped coping; that on the westerly lot line, a similar wall

MINUTES

shall be constructed from the accessory building to Rockaway boulevard and not less than 4 ft. in height; that the balance of the plot between the accessory building and Rockaway boulevard shall be cement paved; that entrances to the premises shall be limited to two from Rockaway boulevard with curb cuts not exceeding 30 ft. in width and no part of any curb cut nearer than 8 ft. from 123rd street building line or the westerly interior lot line as extended; that gasoline pumps shall be not nearer than 10 ft. to the street line; that there shall be no motor vehicle repairing permitted on the premises; that no open flames shall be permitted; that there shall be no parking or storage of cars other than those being serviced; that all signs shall be restricted to the illuminated globes of the gasoline pumps and to permanent flat signs attached to the face of the accessory buildings, except that no signs shall be attached to the exterior walls of the accessory buildings to the east, west or north *and except that there may be a sign advertising only the brand of gasoline on sale, erected on a post standard within the building line, provided the sign which may be illuminated, does not extend beyond the building line more than four feet*; that there shall be no portable gasoline pumps used on or from the premises; that the balance of the lot to the north

shall be graded and seeded to grass and kept mowed and in a presentable condition, free from rubbish, at all times until such time as this portion of the plot is improved with a building for a conforming use; that any windows opening upon such portion of the plot in the rear northerly wall, shall be fireproofed self-closing; that illumination shall be by electric lamps placed on pipe standards not over 10 ft. in height or on the front of the accessory building, equipped with metal reflectors so placed as to reflect downwardly to avoid nuisance at night; that the architectural design of the accessory building shall be substantially in accord with the plans filed with this application; that the front of the greasing section shall remain open or if doors are provided, mechanical ventilation shall be furnished at all times by means of electrically operated, vaporproof fans exhausting by duct through the roof; that all permits not already obtained shall be obtained within six (6) months from the date of this *amended* resolution and all work required under the terms of this *amended* resolution shall be completed within one (1) year from the date of this *amended* resolution."

*Correction—The measurement "9 ft." changed to "10 ft." in line 71 of resolution.

NOTICE

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the Board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication of this BULLETIN of the calendars of the Board, each case being set down by Calendar Number and the premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the

offices of the Board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the Board is to dispose of all cases promptly; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

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Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such

copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

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No. 52

DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN E. GUNN

JOSEPH J. DOYLE, Chief Clerk

OFFICE—Municipal Building, Rooms 1000 to 1018.

TELEPHONE—WOrth 2-5600.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m.

Saturdays 9 a. m. to 12 noon.

Address all communications to the Chairman

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COURT DECISIONS

In the Matter of Breuel v. Rohan—The premises are located at 672 and 673 Edgecomb Avenue, Manhattan. The owner of 672 Edgecomb Avenue had constructed a retaining wall on the side line of his lot and the lot was filled to street grade, whereas the lot at 673 Edgecomb Avenue, adjoining, is below street grade. When, in the opinion of the inspector, the retaining wall had deteriorated so as to be unsafe, violations were served on both owners. Criminal proceedings were dismissed against both owners. Thereupon, new violations were placed against both premises and separate actions instituted by the city to recover penalties. These actions are pending. On January 16, 1943, the Borough Superintendent served orders both on the owner of 672 and 673 Edgecomb Avenue to rebuild and repair all defective parts of the wall. The owner of 673 Edgecomb Avenue brought an action for declaratory judgment to compel the owner of 672 Edgecomb Avenue, who originally caused the wall to be built, to remove the encroachment and to direct the City of New York to remove existing violations and to desist from placing future violations against the plaintiff (owner of 673 Edgecomb Avenue) by reason of such wall. No appeal to the Board of Standards and Appeals was taken from the order of the Borough Superintendent. Mr. Justice Miller at Special Term, Supreme Court, denied relief to the plaintiff on the ground that she had failed to exhaust her remedy by appeal to the Board, as provided in Section 666 of the New York City Charter (Towers Management Corporation vs. Thatcher, 271 N. Y. 94), (New York Law Journal, May 22, 1943, page 2009).
Later, in the Municipal Court, in an action for a penalty brought against both owners for a violation for failure to repair the retaining wall under the requirements of the Administrative Building Code, Mr. Justice Caffrey on November 15, 1943, decided against Breuel, the owner of 673 Edgecomb Avenue, whose premises are below grade, and discontinued the action against Rowan, the owner of 672 Edgecomb Avenue, abutting, whose premises are at street grade. Judgment against Breuel was entered December 16, 1943.

* * *

In the Matter of K.K.K. Leasing Corporation vs. Murdock—On November 13, 1940, the Board revoked Certificate of Occupancy in accordance with facts as set forth in the Report of Committee of Inspection, reading as follows:

REPORT OF COMMITTEE.

November 8, 1940.

Re: Cal. No. 697-39-A.

281 Bowery and 43 Bayard street, Borough of Manhattan.
This is an appeal from a decision of the borough superintendent of buildings of the Department of Housing and Buildings refusing to revoke a certificate of occupancy, No. 19617, issued in 1934, after completion of work of altering the building and installing cubicle partitions according to Alteration Application 171 of 1931. The building had for years been occupied as a hotel and no certificate of occupancy had been required. Prior to April 18, 1929, the building was subject to the requirements of the Building Code but not to the requirements of the Tenement House Law. Upon adoption of the Multiple Dwelling Law on April 18, 1929, the building became thereunder an existing Class B multiple dwelling. The alteration in 1931 was to change the building from a hotel to a lodging house, and the borough superintendent of buildings determined, in a memorandum dated April 7, 1931, nothing need be done under the requirements of the Multiple Dwelling Law "since the use and character of the building will not be changed." It is clear that the alteration was approved under the Building Code provisions only and the cubicle partitions were approved thereunder following the policy established in 1927 or before as to cubicle partitions in lodging houses. It appears also that due to an opinion of the Corporation Counsel, dated April 12, 1916, the requirements of the Charter, Chapter 19, Title 7, Section 1307, dealing with lodging houses and the requirements for sleeping rooms and ventilation were deemed not to apply to this building inasmuch as the Corporation Counsel

CALENDAR

had advised that these requirements had been repealed as to lodging houses by the adoption of the Building Code in 1916. Even as to exits, the record shows that the provisions of the Building Code and not the provisions of the Multiple Dwelling Law were applied.

The application and plans were not passed on by the Housing Division of the Department. The certificate of occupancy was issued upon completion, permitting occupancy as a Class B multiple dwelling having stores on the ground floor and lodging house on the second to fourth stories. The form of the certificate of occupancy is the form as approved by the Board of Standards and Appeals. The Board has at no time amended its approval of this form so as to include a certificate of compliance required to be issued for multiple dwellings under Section 301 of the Multiple Dwelling Law. No certificate of compliance was issued for this building. As the requirements of the Multiple Dwelling Law were not applied to this building, a certificate of compliance could not well have been issued.

In the opinion of the Board, the requirements of the Multiple Dwelling Law should have been met. While the cubicle partitions in question may have been considered permissible under the Building Code, such cubicles are contrary to the requirements of Sections 31 and 32 of the Multiple Dwelling Law in that such cubicles form rooms which do not comply with those requirements.

The Housing Division of the Department of Housing and Buildings is not authorized under the Multiple Dwelling Law to adopt regulations to permit conditions not only unlawful but as to cubicles a dangerous menace to life and health. In three previous appeals involving the construction of cubicles, the Board has held that they are unlawful under the Multiple Dwelling Law. One of these decisions has been the subject of Court review namely, 964-38-A, affecting premises 6 Chatham square, where the Court of Appeals in *Edwards vs. Murdock* did not pass on the legality of the cubicles. That decision can have no bearing in this matter as there can be no claim that a certificate of compliance has been issued or that the provisions of Section 301 of the Multiple Dwelling Law can be relied on in any respect.

On January 10, 1940, a bill was introduced by Senator Coudert to amend Section 31 of the Multiple Dwelling Law so as to permit cubicles under certain safeguards. This proposed amendment was not adopted.

The Committee recommends that the appeal be granted and that Certificate of Occupancy 19617 be revoked only so far as the cubicles are concerned and that the certificate of occupancy be reinstated upon removal of such cubicles as contravene the provisions of Sections 31 and 32 of the Multiple Dwelling Law.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
JOHN J. McCARTHY, No. 2,
Committee.

Upon court review, Mr. Justice Eder at Special Term Supreme Court reversed the Board, holding, in part, that a Certificate of Occupancy "improvidently or erroneously issued does not.....destroy the protection given by Section 301 to one who has relied upon the issuance of the Certificate". He held that the language of Section 301 of the Multiple Dwelling Law is "unambiguous" and that if a remedy is necessary, it is with the Legislature "to enact amendatory laws limiting the effect of the protective provisions of Section 301". (N.Y. Law Journal, November 29, 1943). Upon submission of proposed orders for court's signature, the court stated that the decision rendered November 29, 1943, involved no triable issue and in rejecting orders submitted as incomplete, called for submission of a proper order for the signature of the court (N.Y. Law Journal, December 8, 1943). NOTE—It will be noted that the court did not pass on the legality of the cubicles, which the Board found should not have been permitted. An appeal has been recommended.

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New Cases Filed up to December 21, 1943.

Cal. No. Dept. Premises Affected.

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611-43-A—F.D.—595 Flushing avenue, north side, 165 ft. 4 in. west of Marcy avenue (Block 2264, Lot 46), Borough of Brooklyn, 95966-LC.

612-43-A—F.D.—14-18 Glenmore avenue, northeast corner of Thatford avenue (Block 3504, Lot 15), Borough of Brooklyn, 11424-LF and Decision.

613-43-A—F.D.—62 Pearl street, south side, 74 ft. 3¾ in. west of Coenties Slip (Block 7, Lot 39), Borough of Manhattan, 14042-LF and Decision.

614-43-SM—Hastings Compressed Asphalt Blocks and Tiles, manufactured by The Hastings Pavement Company, Material.

615-43-BZ—H.B.Q.—43-49 162nd street, east side, 280 ft. north of 45th avenue (Block 5420, Lot 9), Flushing, Borough of Queens, Alt. 1254-43.

616-43-A—F.D.—578-580 9th avenue and 360-362 West 42nd street, southeast corner (Block 1032, Lot 61), Borough of Manhattan, 19774-LF, 19775-LF and Decision.

617-43-A—F.D.—406-408 Concord avenue, southeast corner of East 144th street (Basement and 1st floor); (Block 2574, Lot 79), Borough of The Bronx, 18924-LF and Decision.

618-43-A—F.D.—91-30 Van Wyck boulevard, west side, 150 ft. south of 91st avenue (Block 9375, Lot 176), Richmond Hill, Borough of Queens, Decision.

619-43-BZ—H.B.B.—533-545 Clinton avenue, east side, 130 ft. 10 in. north of Atlantic avenue (Block 2011, Lot 7, Borough of Brooklyn, Alt. 3660-43.

620-43-BZ—H.B.Bx.—1615 Kennellworth place, west side, 282.13 ft. south of Middletown road (Block 5413, Lot 23), Borough of The Bronx, Amendment to N.B. 1090-40.

Restored to Calendar.

216-40-BZ—H.B.M.—304-316 East 107th street, south side, 100 ft. east of 2nd avenue (Block 1678, Lots 42, 43, 46 and 48), Borough of Manhattan, Alt. 1130-43.

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department, and F.D.—Fire Department.

RULES

Last Publication in Bulletin

Blended Cements, Rules for Testing and Use of.....	Nov. 30, 1943—Vol. 28, No. 48
Carbon Dioxide Liquefier, Rules.....	June 22, 1943—Vol. 28, No. 25
Certificates of Occupancy, approved form	Nov. 30, 1943—Vol. 28, No. 48
Concrete Flat Slabs, Rules.....	July 13, 1937—Vol. 22, No. 28
Concrete Masonry Units, Rules for Manufacture, Testing and Use of	June 24, 1941—Vol. 26, No. 25
Concrete Rules (Hydrated Lime)....	Aug. 3, 1937—Vol. 22, No. 31
Elevator Rules	Mar. 3, 1936—Vol. 21, No. 9
Erection, Alteration, Repair, Excavation for and Demolition of Buildings	Nov. 23, 1943—Vol. 28, No. 47
Exit Rules (Revolving Doors)....	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules.....	Oct. 5, 1943—Vol. 28, No. 40
Fire Alarm Rules (Interior).....	June 8, 1943—Vol. 28, No. 23
Fire Drill Rules	Sept. 14, 1943—Vol. 28, No. 37
Fire-resistive, Flameproof Materials, etc., Rules for Testing of.....	Nov. 2, 1943—Vol. 28, No. 44
Fire Retarding Rules for Garages, etc.	Dec. 16, 1941—Vol. 26, No. 50
Fireproof Wood, Testing of.....	Apr. 13, 1937—Vol. 22, No. 15
Frame Garages, Ruling for.....	Jan. 21, 1919—Vol. 4, No. 3

CALENDAR

		Last Publication in Bulletin	
Fusion Welding and Gas Cutting Rules	Apr. 27, 1943—Vol. 28, No. 17		
Gas Shut-Off Rules	Apr. 7, 1925—Vol. 10, No. 14		
Hatchway Protection	June 5, 1928—Vol. 13, No. 23		
Insulating Fibre Board Rules	Mar. 23, 1943—Vol. 28, No. 12		
Oil Burner Rules	Oct. 26, 1943—Vol. 28, No. 43		
Opening Protective Assemblies, Rules for Inspection of	Oct. 26, 1943—Vol. 28, No. 43		
Paint, Varnish and Lacquer Spraying Rules	Oct. 12, 1943—Vol. 28, No. 41		
Platform Trucks, Specifications for	Nov. 24, 1936—Vol. 21, No. 47		
Plumbing Rules	Aug. 3, 1937—Vol. 22, No. 31		
Plumbing Rules (Submerged Inlets; Protective Methods to Prevent Contamination of Water Supply)	Oct. 19, 1943—Vol. 28, No. 42		
Procedure, Rules of	Sept. 7, 1937—Vol. 22, No. 36		
Refrigerating Systems, Extract A.C.	Oct. 12, 1943—Vol. 28, No. 41		
Smoking in Factories, Rules for	Oct. 12, 1943—Vol. 28, No. 41		
Sprinkler Rules	June 29, 1937—Vol. 22, No. 26		
Standpipe Fireline Rules	June 8, 1937—Vol. 22, No. 23		
Structural Alterations, Reporting	June 7, 1932—Vol. 17, No. 23		
Tank Trucks, Fuel Oil, etc.	Nov. 24, 1936—Vol. 21, No. 47		
Tank Trucks, Gasoline, etc.	Nov. 24, 1936—Vol. 21, No. 47		
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr. 10, 1923—Vol. 8, No. 15		

Approved appliances and materials are printed in the Supplement to the Bulletin of June 8, 1943, Vol. 28, No. 23A.

JANUARY 4, 1944, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, January 4, 1944 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications.

569-43-BZ—Application, November 23, 1943, under section 7h of the zoning resolution, of Lama and Proskauer, applicants on behalf of Rose Bennett, owner, to permit partly in a residence use and partly in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises 520-522 Lefferts avenue, south side, 254 ft. 6 in. west of Kingston avenue (Block 1332, Lot 27 and part of Lot 87), Borough of Brooklyn.

341-43-BZ—Application, July 6, 1943, under sections 7a and 7c of the zoning resolution of Martyn N. Weinstein, applicant on behalf of Rite Way Laundry Company, owner, to permit in a residence use district, the maintenance of extensions to an existing wet wash laundry and also, a driveway accessory to the wet wash laundry; premises 3319-3335 Atlantic avenue and 283-295 Euclid avenue, northeast corner (Block 4145, Lot 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

JANUARY 4, 1944, 2 P. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday afternoon, January 4, 1944 at 2 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Appeals from Administrative Decisions

592-42-S—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

593-42-A—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan (reopened and restored to calendar, September 14, 1943; previously withdrawn).

776-42-A—821-827 Bergen street, south side, 325 ft. west of Classon avenue and 890-902 Dean street (Block 1141, Lot 28), Borough of Brooklyn (reopened June 29, 1943; previously denied).

609-43-A—550-552 Pacific street and 32-38 4th avenue, southwest corner (2nd floor); (Block 192, Lots 34 and 35), Borough of Brooklyn.

458-43-A—223-02 Hempstead Turnpike, south side, 110 ft. east of 223rd street (Block 11159, Lot 28), Queens Village, Borough of Queens.

604-43-A—421 West 113th street, south side, 129 ft. west of Morningside drive (Block 1860, Lot 1), Borough of Manhattan.

565-43-A—2-20 West 34th street, 350 5th avenue, southwest corner and 1-29 West 33rd street (basement and 1st floor); (Block 835, Lots 19 to 28 and 41 to 54), Borough of Manhattan.

166-43-S—41-69 Clark street, 92-100 Henry street, 46-82 Pineapple street and 103-121 Hicks street, entire block (Block 231, Lot 1), Borough of Brooklyn.

363-43-A—41-69 Clark street, 92-100 Henry street, 46-82 Pineapple street and 101-121 Hicks street, entire block (25th and 27th floors); (Block 231, Lot 1), Borough of Brooklyn.

294-43-A—33-55 to 33-81 12th street, 12-01 to 12-19 34th avenue, northeast corner and 33-52 to 33-80 13th street (Block 522, Lot 1), Long Island City, Borough of Queens.

Appliance for Approval

173-43-SM—Vitroliner-Porcelain Enameled Outlet Piping.

HARRIS H. MURDOCK, *Chairman.*

JANUARY 11, 1944, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, January 11, 1944 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matter:

Appeal from Administrative Decision

399-43-A—2531-2539 Broadway, west side, from West 94th street to West 95th street and 250-254 West 95th street (Block 1242, Lots 55 and 10), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

JANUARY 18, 1944, 10 A. M.

NOTICE IS HEREBY GIVEN of a public hearing Tuesday morning, January 18, 1944 at 10 o'clock in Room 1013, Municipal Building, Manhattan, on the following matters:

Zoning Applications

222-43-BZ—Application, May 11, 1943, under section 7h of the zoning resolution, of Arthur Weiser, applicant, on behalf of Bijou Realty Corporation, owner, to permit partly in a residence use and partly in a business use district, for a term of two years, the parking and storage of more than five motor vehicles; premises west side of Riverdale avenue, 157-01 ft. north of West 232nd street (Block 3409 E, Lot 374), Borough of The Bronx.

567-43-BZ—Application, November 20, 1943, under section 7c of the zoning resolution, of Fred Liese, applicant, on behalf of Gottscheer Central Holding Co., Inc., owner, to permit partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building to restaurant, meeting rooms, cabaret and dancing and, also, the maintenance of five individual garages; premises 657 Fairview avenue, north side, 77 ft. 3½ in. east of Linden street (Block 3485, Lot 1), Ridgewood, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

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BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, DECEMBER 21, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy.

The minutes of the regular meetings of the Board held on Tuesday morning, December 14, 1943, and Tuesday afternoon, December 14, 1943, were approved as printed in Bulletin No. 51, Volume 28.

ZONING CASES

222-43-BZ

APPLICANT—Arthur Weiser, for Bijou Realty Corporation, owner.

SUBJECT—Application (decision of the acting borough superintendent) under section 7h of the zoning resolution, to permit partly in a residence use and partly in a business use district, for a term of two years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—West side of Riverdale avenue, 157.01 feet north of West 232nd street (Block 3409E, Lot 374), Borough of The Bronx.

APPEARANCES—

For Applicant: Arthur Weiser.

For Opposition: Harold Klorfein, Dep't of Parks.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to January 18, 1944, at 10 A. M., on request of applicant.

567-43-BZ

APPLICANT—Fred Liese, for Gottscheer Central Holding Co., Inc., owner.

SUBJECT—Application (decision of the acting borough superintendent) under section 7c of the zoning resolution, to permit partly in a business use and partly in a residence use district, the conversion of occupancy of an existing building to restaurant, meeting rooms, cabaret and dancing and, also, the maintenance of five individual garages.

PREMISES AFFECTED—657 Fairview avenue, north side, 77 ft. 3½ in. east of Linden street (Block 3485, Lot 1), Ridgewood, Borough of Queens.

APPEARANCES—

For Applicant: Fred Liese and John Kikel.

For Opposition: Joseph E. Lucas, John Steiler, Martha Niebling, George Brooks, Elsie Einicke, Leopoldine Koch, Minnie Smith and others.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to January 18, 1944 at 10 A. M., for decision by the Board. No further argument.

216-40-BZ

APPLICANT—Lama and Proskauer, for Reconstruction Holding Corporation, owner.

SUBJECT—Application for consideration—reopening for renewal of variance and to consider additional area—re Application (decision of the borough superintendent) previously granted on condition under section 7h of the zoning resolution, permitting in a business use district, for a term of two (2) years, the parking and storage of more than five motor vehicles.

PREMISES AFFECTED—304-316 East 107th street, south side, 100 ft. east of 2nd avenue (Block 1678, Lots 42, 43, 46 and 48), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

926-28-BZ

APPLICANT—Louis A. Kiesewetter for The Texas Company, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete—re Application (decision of the borough superintendent) under section 7c of the zoning resolution, permitting in a residence use district, the extension of an accessory building (for lubricatory use) and also, the rearrangement of pumps on an existing gasoline service station, which was previously acted upon by the Board.

PREMISES AFFECTED—2633-2643 Ocean avenue and 2002 Avenue V, southeast corner (Block 7381, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Joseph B. Lynch.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (926-28-BZ)

WHEREAS, this application, to permit in a residence district, under section 21 of the zoning resolution, the erection and maintenance of a gasoline service station, affecting premises 2633-2643 Ocean avenue and 2002 Avenue V, southeast corner (Block 7381, Lot 1), Borough of Brooklyn, was denied by the Board on May 7, 1929; the action of Board was reversed by the Supreme Court, and a gasoline service station erected; a request for reopening was denied by the Board on February 9, 1937, as it appeared that this station, as erected, did not conform to the plans filed with the Board and part of the record before the Court; and

WHEREAS, on order of the Court, this application was reopened by the Board on January 25, 1938, and granted on condition; and

WHEREAS, this application was reopened on December 16, 1941, under section 7c of the zoning resolution and the resolution of January 25, 1938 was amended on November 24, 1942; and

WHEREAS, the applicant requested an extension of time to complete the work.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on January 25, 1938, as amended through November 24, 1942, only so far as it has reference to obtaining permits and completion of the work, so that as amended, this portion of the resolution shall read:

“* * * that all permits for such extension shall be obtained and all work completed within one (1) year from the date of this amended resolution.”

28-40-BZ

APPLICANT—Reginald S. Hardy, for 42 South 11th Avenue Realty Co., Inc., owner.

SUBJECT—Application for consideration—reopening and extension of time to complete—re Application (decision of the borough superintendent) previously granted on condition under section 7c of the zoning resolution, permitting in a business use district the reconstruction and rearrangement of existing gasoline service station and accessory building.

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PREMISES AFFECTED—14-80 Clintonville street, west side, 1 ft. north of Cross Island boulevard (Block 4697, Lots 15 and 18), Whitestone, Borough of Queens.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (28-40-BZ)

WHEREAS, this application under section 7c of the zoning resolution, permitting in a business use district, the erection and maintenance of a gasoline service station, lubritorium, auto-laundry and auto-repair shop, affecting premises 14-80 Clintonville street, west side, 1 ft. north of Cross Island boulevard (Block 4697, Lots 15 and 18), Whitestone, Borough of Queens, was granted by the Board May 28, 1940 on certain conditions, time extended February 3, 1942 and December 15, 1942 and the applicant requested a further extension of time to obtain permits and complete work.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of May 28, 1940, as amended through December 15, 1942, only in so far as it has reference to obtaining permits and completion of the work so that as amended, this portion of the resolution shall read:

"that all permits required shall be obtained and all work completed within one (1) year from the date of this *amended* resolution."

reference to obtaining permits and completion of work, so that as amended, this portion of the resolution shall read:

"* * * that all permits shall be obtained and all work completed within one (1) year from the date of this *amended* resolution * * *"

619-41-BZ

APPLICANT—Colonial Beacon Oil Company, owner.

SUBJECT—Application for consideration—reopening and extension of time to complete—re Application (decision of the borough superintendent) previously granted on condition, under section 7c of the zoning resolution, permitting in a business use district, the alteration of an existing gasoline service station and the erection of a new accessory building thereon.

PREMISES AFFECTED—218-02 Hillside avenue and 88-01 218th street, southeast corner (Block 10678, Lot 1), Queens Village, Borough of Queens.

APPEARANCES—

For Applicant: Joseph B. Lynch.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners

Savage and Blum and Deputy Chief Murphy 4

Negative 0

THE RESOLUTION (619-41-BZ)

WHEREAS, Colonial Beacon Oil Company, for Irving Rosenblum, owner, filed October 27, 1941, an application under section 7c of the zoning resolution, to permit in a business use district the alteration of an existing gasoline service station and the erection of a new accessory building thereon, affecting premises 218-02 Hillside avenue and 88-01 218th street, southeast corner (Block 10678, Lot 1), Queens Village, Borough of Queens; and

WHEREAS, this application was granted by the Board December 16, 1941, on certain conditions, time extended on December 15, 1942 and the applicant requested an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted on December 16, 1941, as amended on December 15, 1942, only so far as it has reference to obtaining permits and completion of work, so that as amended, this portion of the resolution shall read:

"* * * That in view of statement by applicant that all permits have been obtained, that all work shall be completed within one (1) year from the date of this *amended* resolution."

APPEAL FROM ADMINISTRATIVE DECISION

399-43-A

APPLICANT—Howard H. Snyder, for Broad-West Realty Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—2531-2539 Broadway, west side, from West 94th to West 95th street and 250-254 West 95th street (Block 1242, Lots 55 and 10), Borough of Manhattan.

APPEARANCES—

For Applicant: Howard H. Snyder.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to January 11, 1944 at 10 A. M. on request of applicant.

Adjourned: 12:05 P. M.

JOSEPH J. DOYLE, Chief Clerk.

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REGULAR MEETING

TUESDAY AFTERNOON, DECEMBER 21, 1943.

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy.

APPEALS FROM ADMINISTRATIVE DECISIONS

592-42-S

APPLICANT—Sidney Daub, for Simon Finkelstein, owner.
SUBJECT—Application reopened and restored to calendar September 14, 1943—re Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to January 4, 1944 at 2 P. M., at written request of applicant.

593-42-A

APPLICANT—Sidney Daub, for Simon Finkelstein, owner.
SUBJECT—Application reopened and restored to calendar September 14, 1943—re appeal from a decision of the borough superintendent.

PREMISES AFFECTED—124 Baxter street, west side, 97 ft. 10 in. south of Hester street (Block 207, Lot 16), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to January 4, 1944 at 2 P. M., at written request of applicant.

776-42-A

APPLICANT—Sidney H. Kitzler, for Berdean Holding Corporation, owner (Messing Bakeries, Inc., lessee).
SUBJECT—Application reopened June 22, 1943—re Appeal from a decision of the borough superintendent (previously denied).

PREMISES AFFECTED—821-827 Bergen street, north side, 350 ft. west of Classon avenue and 890-902 Dean street (Block 1141, part of Lot 28), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sidney H. Kitzler.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to January 4, 1944 at 2 P. M., for further consideration by the Board.

609-43-A

APPLICANT—Cafiero and Lacerenza, for Fourth Pacific Realty Corporation, owner.
SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—550-552 Pacific street and 32-38 4th avenue, southwest corner (2nd floor); (Block 192, Lots 34 and 35), Borough of Brooklyn.

APPEARANCES—

For Applicant: William A. Lacerenza.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to January 4, 1944 at 2 P. M., for further consideration by the Board.

685-42-A

APPLICANT—Air Reduction Sales Company, lessee, for Defense Plant Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—re Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—206-224 Stewart avenue, east side, entire block bounded by Ten Eyck street, Gardner avenue and Meadow street (Block 2952, Lot 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Wayne Y. Scofield.

ACTION OF BOARD—Request to reopen, withdrawn on request of applicant's representative.

THE VOTE TO WITHDRAW REQUEST TO RE-OPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

493-43-A

APPLICANT—Frank C. Keller, for Estate of Henry H. Scott, owner (D. E. Victor, Co-Executor).

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—143-49 Rose avenue, northwest corner of Parsons boulevard (Block 5234, Lot 20), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: None.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

28-35-A

APPLICANT—Neo Gravure Printing Co., Inc. (lessee), for Pioneer Real Estate Company, owner.

SUBJECT—Application reopened November 9, 1943—Appeal from an order of the fire commissioner and a decision of the borough superintendent.

PREMISES AFFECTED—601-649 West 26th street, 600-652 West 27th street, 200-214 13th avenue and 245-259 11th avenue (Block 672, Lot 1), Borough of Manhattan.

APPEARANCES—

For Applicant: John J. Gilmartin and Harley C. Alger.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (28-35-A)

WHEREAS, this appeal from decision of the commissioner of buildings, affecting premises 601-649 West 26th street, 600-652 West 27th street, 200-214 13th avenue and 245-259 11th avenue (Block 672, Lot 1), Borough of Manhattan, was denied by the Board on February 26, 1935; and

WHEREAS, the applicant requested a reopening and reconsideration of the appeal based on new facts and the case was reopened and granted by the Board on October 1, 1935, on certain conditions; and

WHEREAS, on November 1, 1943, the Neo-Gravure Printing Company, Inc., as lessee, requested an amendment to the resolution as adopted October 1, 1935, in view of Order 36,215-LC, issued by the fire commissioner affecting their premises and reading as follows:

“*** Surrender to bearer fire department permit numbered 151284 dated to expire August 31st, 1944, which is hereby revoked.

Reason: Failure to abide with the conditions in full

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as stipulated in the resolution adopted by the Board of Standards and Appeals (resolution, Cal. 28-35-A) to wit: 'that there shall at no time be more than 10 gallons of naphtha stored on the 8th floor and that such shall be stored in approved safety cans';

Before permit may be reinstated the following must be done:

1. Forthwith remove all volatile inflammable oil from the 8th story.

2. Remove the three portable gasoline tanks from these premises. Resolution of the Board of Standards and Appeals."

and.

WHEREAS, this case was reopened by vote of the Board on November 9, 1943, subject to usual procedure; and

WHEREAS, the applicant has filed a decision of the borough superintendent on Misc. Applic. 954-43, dated December 16, 1943, which reads:

"The storage of more than ten gallons of naphtha on the 8th floor, is contrary to the terms of resolution of the Board of Standards and Appeals, re Cal. 28-35-A, dated October 1, 1935."

and

WHEREAS, the applicant states the building is 19 stories and penthouse (260 ft.) in height; 607 ft. by 652 ft. 3 in. by 107 ft. 6 in. in area; of Class 1 construction; located in an unrestricted use, area district; erected 1931 and used and occupied as follows: cellar, boiler room, 15 persons; 1st floor, railroad yard and stores, 105 persons; 2nd floor, public garage, 110 persons; 2nd mezzanine, motor and meter repair, storage of food and supplies, 100 persons; third floor, winery and carton manufacturing, 220 persons; 4th, 5th and 6th floors, bonded warehouse, 220 persons on each floor; 7th floor, auto accessory and envelope manufacturing, 350 persons; 8th floor, rotogravure printing, 450 persons; 9th floor, liquor distillery and bakers' supplies, 200 persons; 10th floor, bakers' supplies, 200 persons; 11th floor, fruit packer, 100 persons; 12th floor, book warehouse, 50 persons; 13th floor, textile distributors, 50 persons; 15th floor, paper bag manufacturing, 200 persons; 15th floor, perfume, essential oil manufacturing, 75 persons; 16th floor, book bindery, 100 persons; 17th floor, mirror and powdered egg manufacturing, 50 persons; 18th floor, floor wax distributors, 75 persons; 19th floor, textile laboratory, 25 persons; pent house, elevator machinery, 6 persons. No change in occupancy or use is proposed; and

WHEREAS, the building is equipped with a one-source sprinkler system, a standpipe system, interior fire alarm system and fire drills are maintained; that there are five fire proof stairs extending from roof bulkhead directly to the street, equipped with self-closing fireproof doors; and

WHEREAS, the applicant contends that the requirements of Items 1 and 2 of the fire commissioner's order are unnecessary for the protection of life and property; that Item 1 applies to naphtha stored on the 8th floor in 25 to 35 approved 50-gallon drums, stored within a fireproof enclosure, equipped with mechanical and natural ventilation; that this naphtha is conveyed by drums to the reservoirs of the printing press which contains ink; that in addition to the naphtha in the drums, there are two 500-gallon tanks buried in the ground underneath the building and piped to the 8th floor, equipped with approved outlet in accordance with approved plans, as permitted by the Board under resolution adopted October 1, 1935; that the amount of naphtha stored on the premises, is necessary to conduct the daily business; that Item 2 of the fire commissioner's order, which refers to portable tanks, covers three 50-gallon approved portable tanks, which are used to convey naphtha from the pumps to the press reservoirs and two safety cans of five gallons each used for the same purpose; and

WHEREAS, the premises were inspected by a Committee of the Board; and

WHEREAS, the applicant has filed plans with the Borough Superintendent under Misc. Application 954-1943, showing additional buried storage tanks, to be installed to store three

types of inflammable mixtures required for ink solvents, each with a flashpoint of approximately 75°F., in place of drums, as objected to in order 36,215-LC, issued by the Fire Commissioner.

Resolved, that the resolution as adopted by the Board on October 1, 1935, be *amended*, so that as amended, the resolution will read:

"*Resolved*, that the decision of the commissioner of buildings be and it hereby is *modified*, and that the appeal be and it hereby is granted as to Applic. No. 42-1935, permitting naphtha to be conveyed to the 8th floor through 1½ in. pipe, as indicated on revised plans filed with this appeal, marked 'received September 17, 1935', *on condition* that such pipe shall be encased in 3 in. pipe and the 3 in. pipe protected continuously from the storage tanks to the dispensing pump with 3 in. of Portland cement concrete 1-2-4 mix; that this piping shall be so run through the building as to be protected against injury; that there shall at no time be more than 10 gallons of naphtha stored on the 8th floor and that such shall be stored in approved safety cans; that outside of working hours, all naphtha shall be emptied back into the tank; that there shall be a by-pass with a manually-operated wheel valve installed in the feed line near the tank; that there shall be an electric shut-off on Booster pump at the ground floor level near the pump and at the 8th floor; that this system shall be under the control of a person holding a certificate of fitness and that during working hours, such person shall be stationed at all times at the 1st floor level adjacent to the Booster pump; that all pumps, fittings and electric equipment shall be of a type approved by the commissioner; that the Booster pump shall be of a type designed for handling naphtha with spark-proof motor and control; that this appeal is *granted only so long* as this equipment is used by the 8th floor tenant in connection with the mixing of printer's ink and only so long as the sprinkler system is maintained in accordance with the rules of the Board of Standards and Appeals and the general conditions are maintained substantially to the satisfaction of the administrative official; that the order of the Fire Commissioner 36,215-LC and the decision of the Borough Superintendent, acting on Misc. Application 954 of 1943, dated December 16, 1943, be and they hereby are *modified*, permitting, in addition to the two 550-gallon storage tanks heretofore permitted, one additional 550-gallon and two 1050-gallon storage tanks, installed as shown on plans (four sheets) filed with the Borough Superintendent December 10, 1943, *on condition* that the existing pipe line as heretofore permitted, shall be maintained, terminating on the 8th floor within the ink storage room, which shall be located and enclosed and of the area as shown on such plans; that such valves as indicated, shall be maintained to permit by-passing and control as necessary; that the 3 in. pipe, encasing the pipe line to 8th story, shall have tap holes for inspection purposes to detect leaks; that such pipe line shall be empty except when in use; that in lieu of carrying such solvents in safety cans from the dispensing pump to the reservoirs of the presses, there may be maintained for this purpose, five 50-gallon rubber-tired, portable gasoline tanks; that the solvent reservoir at each press shall be fitted with a tight-fitting steel cover and a small hinged orifice, to permit filling from the portable tank without spilling; that such portable fire-fighting appliances shall be provided at each press, as the Fire Commissioner shall require; that mechanical ventilation shall be maintained throughout to the satisfaction of the Fire Commissioner; that all floor drains now existing in the floor of the ink storage room and naphtha pump room, shall be removed and openings filled with concrete; that the requirement in the resolution of October 1, 1935, that there shall be a person stationed at the first floor level, adjacent to the pumps, may be waived if the

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Fire Commissioner so determines; that no solvents shall be stored on the 8th floor, except such as may be required in the reservoirs of the presses and minimum amounts in the portable tanks, which shall be kept within the ink storage room when not in use; that solvents removed from the presses shall be placed in drums and promptly removed from the premises; that all dollies or other trucks used on the premises shall be equipped with rubber or fibre wheels; that in all other respects, the resolution as adopted October 1, 1935 and as herein *amended*, shall be complied with and the installation and housekeeping conditions of the premises maintained to the satisfaction of the Fire Commissioner.

460-43-S

APPLICANT—Richard Shutkind, for George Leisenheimer, owner.

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent.

PREMISES AFFECTED—984-986 Grand street and 357-359 Maujer street, south side, 200 ft. $\frac{1}{8}$ in. west of Morgan avenue (Block 3018, Lot 33), Borough of Brooklyn.

APPEARANCES—

For Applicant: Richard Shutkind.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (460-43-S)

WHEREAS, Richard Shutkind, for George Leisenheimer, owner, filed September 27, 1943, an appeal from a decision of the borough superintendent, affecting 984-986 Grand street, south side, 200 ft. west of Morgan avenue and 357-359 Maujer street (Block 3019, Lot 33), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent, dated December 15, 1943, on Alt. Applic. 2352-43, reads:

"1. Provide two means of egress to comply with Sec. 270 of the Labor Law.

2. Provide two remote means of egress from the 1st floor to be 3 ft. 8 in. wide and open outwardly, as per Sec. 270 of the Labor Law."

and

WHEREAS, the applicant states that the building is one story (15 ft.) in height; 50 ft. by 175 ft. 6 in. in area; of Class 3 construction; erected 1919; located in an unrestricted use district and used as follows: cellar, boiler room; 1st floor, machine shop, 15 persons, and proposed to be increased to two stories (25 ft.) in height, 50 ft. by 25 ft. 6 in. in area at second floor, and occupied as follows: cellar, same; 1st floor, same second floor, offices, 5 persons; that Certificate of Occupancy 5187 was issued December 23, 1919, permitting the use of the building as a machine shop and auto repair shop; and

WHEREAS, it is proposed to erect a new second story over a portion of the first story, 50 ft. front and 25 ft. 6 in. deep, facing on Grand street, to be used exclusively for office purposes; that it is proposed to erect a new interior 44 in. fireproof stairs from 1st to 2nd story enclosed with 6 in. terra cotta blocks, equipped with fireproof self-closing doors and leading directly to Grand street; that it is also proposed to provide an exterior fire escape from 2nd story on Grand street front, with counter balanced stair to street; that egress to fire escape from 2nd story will be by means of new fireproof self-closing door; that all windows on the 1st and 2nd story facing Grand street, will be of glass block construction; and

WHEREAS, the applicant contends that the proposed second story will be used exclusively for office purposes, with a small number of occupants; that the entire building will be occupied by one tenant and it is therefore requested that the

Board accept one interior fireproof stair and one exterior fire escape, constructed and arranged as proposed, as egress from the 2nd story and requests acceptance of the present means of egress from the 1st floor, which consists of a 10 ft. wide doorway equipped with sliding doors and a 3 ft. 4 in. wide swinging door leading to Maujer street, a 10 ft. wide doorway equipped with sliding doors and two additional exits leading to Grand street; that it is also requested acceptance of the present egress from the boiler room, consisting of one stair leading to sidewalk trap doors and one stair leading to the interior of the machine shop enclosed at first floor level.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the labor law as cited in a decision of the borough superintendent, acting on Alt. Applic. 2352-43, objection 1, and that the application be and it hereby is *granted on condition* that the second means of exit from the proposed second story shall be by means of an exterior fire escape to Grand street, as indicated on plans filed with the borough superintendent, dated September 15, 1943; as to objection 2, that the existing exits from the first floor, as indicated on plan filed with the borough superintendent, marked filed "December 15, 1943," shall be maintained and such doors as are single swing doors shall be made to swing outwardly; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto and the occupancy shall be only as proposed.

462-43-S

APPLICANT—John Bruccoli, for Charles Maddi, Rose Maddi and Angelina Maddi, owners.

SUBJECT—Variation of the labor law as cited in a decision of the health commissioner.

PREMISES AFFECTED—740 East 211th street, south side, 106.44 ft. east of Holland avenue (Block 4659, Lot 13), Borough of The Bronx.

APPEARANCES—

For Applicant: John Bruccoli and Anthony M. De Rose.

For Administration: James McKiernan, Health Dep't.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (462-43-S)

WHEREAS, John Bruccoli, for Charles Maddi, et. al., owners, filed September 24, 1943 an application for variation of the requirements of the Labor Law as cited in a decision of the Health Commissioner and the issuance of a sanitary certificate for a cellar bakery, affecting premises 740 East 211th street, south side, 106.44 ft. east of Holland avenue (Block 4659, Lot 13), Borough of The Bronx; and

WHEREAS, the decision of the Board of Health, dated August 31, 1943 on Application 4313, reads:

"At a meeting of the Board of Health of the Department of Health of the City of New York held August 31, 1943 your application (No. 4313) for a permit for Sanitary Certificate for a cellar (1st story) bakery at the premises stated was denied."

and

WHEREAS, the applicant states that the building is two stories (25 ft.) in height, 23 ft. by 50 ft. in area, of Class 3 construction, erected in 1908, located in a residence use district and occupied since 1911 as follows: cellar, bakery shop, 3 persons; 1st floor, one-family dwelling; 2nd floor, one-family dwelling; that the clear height of cellar from floor to ceiling is 8 ft.; that the cellar ceiling is located above the curb level approximately 1 ft. 4 in. and that the cellar floor varies from 6 ft. 6 in. to 8 ft. above side court and that ventilation of cellar is by means of windows; and

WHEREAS, the applicant contends that the building was

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erected under N. B. Applic. 56-08, by the parents of the present occupants; that in 1911, the bake oven was installed under Alt. Applic. 54-11 and has been in operation continuously since 1912 under permits issued by the Department of Health; that at the time of the erection of the building, the grade of the cellar was level with the then street grade; that in 1922, the street grade was raised to its present level; that the original operators of the bakery are now deceased and it became necessary for the present occupants, the children of the former operators, to continue the business and they applied for a certificate for operation, which was denied by the Board of Health; that the bakery shop is 8 ft. high, is well lighted and ventilated and equipped with a door at the easterly opening to a 7 ft. wide court; that there is an exhaust fan over the oven at the rear, exhausting through rear yard, as indicated on plans filed with this appeal; that in view of these facts, it is requested that the Board grant relief, so as to permit the present occupants to carry on the established business.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of Section 338 of the Labor Law, as cited in a decision of the Board of Health and that the application be and it hereby is *granted*, to permit the premises to be continued as a cellar bakery, so long as conditions as shown and described, remain substantially unchanged and the bakery is maintained to the satisfaction of the department of health.

482-43-A

APPLICANT—Albert Goldhammer, for Rosedale Engineering Corporation, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—1785-1795 Westchester avenue and 1260 St. Lawrence avenue, northeast corner (Block 3786, part of Lot 1), Borough of The Bronx.

APPEARANCES—

For Applicant: Albert Goldhammer.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (482-43-A)

WHEREAS, Albert Goldhammer, for Rosedale Engineering Corporation, owner, filed October 7, 1943 an appeal from a decision of the borough superintendent, affecting premises 1785-1795 Westchester avenue and 1260 St. Lawrence avenue, northeast corner (Block 3786, part of Lot 1), Borough of The Bronx; and

WHEREAS, the decision of the borough superintendent dated September 28, 1943 on Alt. Applic. 334-43, reads:

"2. Means of egress are inadequate. Provide 2 exits from each floor area. Doors should swing outwardly for stores.

3. Stairs should be constructed of incombustible materials with fireproof enclosure as per Sec. 270 of the Labor Law.

5. Second floor should be good for 120 lbs. live load. Correct specification and show construction good for said load."

and

WHEREAS, the applicant states that the building is two stories (23 ft.) in height, 81 ft. 11½ in. by 43 ft. 2¾ in. irregular in area, of Class 3 construction, erected in 1926, located in a business use, B area district and used since June 1943 as follows: cellar, storage; 1st floor, stores; 2nd floor, office and manufacturing of dresses, 22 persons; and

WHEREAS, Certificate of Occupancy 718 was issued May 5, 1926, permitting the use of the building as stores on the

1st floor and offices on the 2nd floor with a liveload of 60 lbs. on the 2nd floor, number of persons not stated; and

WHEREAS, the building is equipped with two 8 in. wood stairs enclosed in partitions constructed of 2 in. by 4 in. wood studs, 16 in. on centers, covered both sides with wire lath and cement plaster and equipped with metal covered self-closing doors; and

WHEREAS, the applicant contends that the store doors in the 1st floor swing inwardly; that these stores are of small area; that the objection is raised only due to the fact that a portion of the 2nd floor is used for factory purposes and that due to the type of manufacturing, there will be no additional fire hazards and the small occupancy of the stores will not endanger any lives; that the 2nd floor is occupied by offices and factory and has a liveload of 60 lbs. per sq. ft.; that the factory is located in the easterly portion of the building; that the 2nd floor has two 3 ft. 8 in. wide wood stairs remote and enclosed with partitions, constructed of wood studs, covered with wire lath and cement plaster on both sides and the soffits; that the doors leading to the stairs are 3 ft. 8 in. wide, fireproof self-closing, swinging outwardly; that the westerly stairs has an iron ladder to roof through 2 ft. by 3 ft. scuttle; that the public hall is 4 ft. wide, of similar construction, to stair enclosures; that the factory is used for manufacturing dresses and is equipped with sewing machines and tables for sewing by hand; that in view of the fact that there is no heavy load involved and the occupancy is small, it is requested that the Board accept the existing conditions.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the borough superintendent acting on Alt. Applic. 334-43, and that the appeal be and it hereby is *granted* as to Objection 2, *on condition* that an additional door shall be constructed, leading from the space to be occupied by a factory to the east and west hallway; that an additional door shall be constructed in the south and north hallway, so that the door as shown from factory space, will open into a stairhall vestibule; that the existing doors to stores on the first floor may be permitted to swing inwardly, as formerly approved, and as existing, provided the stores are individually of small area as shown; as to objection 3, that the stairs shall be maintained as proposed and the doors thereto shall be fireproof, self-closing; and that the building shall not be increased in height or area; as to objection 5, that the floor shall be posted for a liveload of 60 pounds per superficial foot and the equipment and occupancy shall at no time exceed such loading; that such portable fire fighting appliances shall be maintained in the factory space as the fire commissioner shall direct; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

506-43-S

APPLICANT—Mason, Au and Magenheimer Confectionery Manufacturing Co., owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the fire commissioner.

PREMISES AFFECTED—22-28 Henry street and 73-79 Middagh street, northwest corner (Block 211, Lot 22), Borough of Brooklyn.

APPEARANCES—

For Applicant: Francis G. Hoyt and Herbert E. Haug.

For Administration: Thomas Larkin, Fire Dep't.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (506-43-S)

WHEREAS, Mason, Au and Magenheimer Confectionery Manufacturing Company, owner, filed October 25, 1943 an appeal from an order and decision of the fire commissioner,

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affecting premises 22-28 Henry street, and 73-79 Middagh street, northwest corner (Block 211, Lot 22), Borough of Brooklyn; and

WHEREAS, order 10577-LF issued by the fire commissioner May 26, 1943 and referred to in a decision of the fire commissioner, dated October 1, 1943 reads:

"1. Arrange screens on all windows so as to be readily movable or removable from both sides, in such a manner as to afford the free and unobstructed use of such windows for the purpose of egress as per Section 272 of the Labor Law."

and

WHEREAS, the applicant states that the building is 6 stories and basement (approximately 84 ft.) in height, 65 ft. by 100 ft. in area, of Class 3 construction, erected in 1890, located in an unrestricted use, B area district and used and occupied as follows: cellar, engine room and storage, 4 persons; 1st floor, shipping and office, 26 persons; 2nd to 4th floors, candy manufacturing and packing, 22 persons on the 2nd floor; 13 persons on the 3rd floor and 45 persons on the 4th floor; 5th floor, manufacturing, 12 persons; 6th floor, manufacturing, 16 persons; that the building is equipped with a two source approved sprinkler system, interior fire alarm system and that fire drills are not maintained; that the building is also equipped with one 54 in. fireproof stairs leading from roof bulkhead directly to the street and one fire escape at front of building leading from top story to the street with windows on the course of fireproof construction; and

WHEREAS, the applicant states that there are 8 windows affected on the basement story located on the west wall; that means of egress from the basement story consist of a ladder from the boiler room, direct entrance to yard at rear; fireproof stairway to 1st floor, exit door, six full length windows in the engine room equipped and maintained with removable screens; and

WHEREAS, the applicant contends that the eight windows in the west wall of the basement are 3 ft. long by 2 ft. high and open into wells or areaways which are 14 in. wide, 2½ ft. deep and 4½ ft. long; that at the top of these wells, there are permanent iron gratings; that on the interior there is a drop of over 9 ft. from the bottom of each window to the basement floor; that the west side of the basement is used for storage of goods, except where two of the windows have ammonia coils under them; that due to the location and size of the windows and their height above the floor, these windows are not usable as a means of egress; that the other means of egress provided for the basement story are adequate; that not more than four employees are in the engine room at any one time; that no other employees work in the basement, except an occasional one or two to handle goods in storage; that there are no inflammable materials kept in the basement; that the material stored along the westerly wall consists of containers of corn syrup and bags of flour; that to equip the eight windows in question with movable bars or gratings, would result in a practical difficulty and impose an unnecessary hardship on the owner; that the premises adjoining on the west is a school yard with no fence separating it from the owner's property; that the gratings are necessary to prevent school children from falling into the wells and if the grating were hinged and unlocked during working hours, the children would play with them and thus create an extreme accident hazard; that if a fence were erected along the line of the school yard property, it would effectually cut off any possible emergency use of the windows in question, as the wall columns between the windows are on the lot line and it is therefore requested that the Board grant a variation of the requirements of Subdivision 3, of section 272 of the Labor Law.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the labor law, as cited in order 10577-LF of the fire commissioner and that the application be and it hereby is granted, as to objection 1 thereof, so long as the premises are maintained substantially as shown on plans filed with this application,

marked "Received October 25, 1943"; provided the windows along Henry street, if equipped with grilles, are equipped with those of the openable type; that all existing exits from such basement space are maintained, as shown; that the sprinkler system and interior fire alarm system are to be maintained in accordance with the requirements and to the satisfaction of the fire commissioner.

516-43-A

APPLICANT—Saul Goldsmith, for Welbilt Stove Co., Inc., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—57-46 Flushing avenue, 59-05 60th avenue, 58-12 59th drive and 59-83 59th street, east side, 214 ft. 10 in. south of 59th drive (Block 2649, Lots 113, and 135, and Block 2653, Lot 5), Maspeth, Borough of Queens (under section 35, General City Law—re bed of mapped street—59th street).

APPEARANCES—

For Applicant: Saul Goldsmith and Rodman Geiger.

For Opposition: E. J. Lapp, Fred Simon, C. Stack and Markus Eckert.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (516-43-A)

WHEREAS, Saul Goldsmith, for Welbilt Stove Company, Inc., owner, filed on October 25, 1943, an appeal from a decision of the borough superintendent and an application for permission to erect a building in the bed of mapped street, pursuant to Section 35 of the General City Law, affecting premises 59-83 59th street, 58-12 59th drive, 59-05 60th avenue and 57-46 Flushing avenue (Block 2649 Lots 113 and 135 and Block 2653, Lot 5), Maspeth, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated October 22, 1943, on Alt. Applic. 1412-43, reads:

"1. Proposed addition is in the bed of a mapped street. Contrary to Art. 3 Section 35 of the General City Law.

2. Proposed buildings exceed area allowable for non-fireproof construction. Contrary to Sec. 4.2.1 Building Code."

and

WHEREAS, the applicant states the proposed building will be 240 ft. by 578 ft., irregular in area, two stories (46 ft.) in height; of Class 3 construction; equipped with a sprinkler system, located in an unrestricted use, C area district and used as follows: Cellar, storage, 25 persons; 1st floor, manufacturing gas ranges, 200 persons; 2nd floor, manufacturing gas ranges, 200 persons; and

WHEREAS, the applicant contends that the present building covers an area of 35,000 sq. ft. two stories, 35 ft. in height, and one story 18 ft. in height; that the combined areas as proposed, will be 80,500 sq. ft., two stories, 46 ft. in height as measured from Flushing avenue and 36 ft. in height measured from 59th street, and one story in height measured from 60th avenue; that the height of the first floor of the proposed extension will vary from 22 ft. 6 in. to 27 ft. and the height of the second floor will be the same as the present building; that the combined 80,500 sq. ft. area will be divided by fire walls vertically and horizontally as follows: 5,000 sq. ft. at cellar, 43,000 and 37,500 sq. ft. area is for first floor, and 41,500 and 39,000 sq. ft. area is for 2nd floor; that the combined areas will face on four streets and the railroad right-of-way; that the entire building will be equipped with a two source sprinkler system with central station alarm; that the occupancy will be non-hazardous

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and of non-inflammable nature; that the building will be used for porcelain enamelling, assembling, storage and shipping of gas ranges; that the present one story building where the new construction is proposed, will be demolished; that in constructing the two story extension, it will be necessary to build a portion of the extension over the remaining portion of the mapped street, which is still unopened; that this portion will be approximately 50 ft. by 50 ft. in area, starting at a point measured along the easterly side of 59th street, 214 ft. 10 in. south of 59th drive; that the area over the mapped street is a necessary connection between the proposed north area and the existing south area and will make a more practical arrangement of conveyor belts and equipment; that the present conveyor bridge over this area will be demolished; that 59th street from a point 214 ft. 10 in. south of 59th drive is not a public highway; that a Supreme Court decision rendered by Mr. Justice Lockwood, July 8, 1936, held that 59th street was not a public highway from a point 214 ft. 10 in. south of 59th drive; and

WHEREAS, a committee of the Board recommended that the appeal should be granted upon certain conditions, as contained in the report which follows:

REPORT OF COMMITTEE.

December 18, 1943.

Re: Cal. 516-43-A.

Premises 59-83 59th street, 58-12 59th drive, 59-05 60th avenue and 57-46 Flushing avenue (Block 2649, Lots 113 and 135 and Block 2663, Lot 5), Maspeth, Borough of Queens.

This appeal is (1) for permission to construct an addition in the bed of a mapped street and (2) to vary the requirements as to area within fire walls. The existing factory buildings are occupied by the Well-Bilt Stove Company, consisting of the following sections interconnected:

A one-story, non-fireproof building fronting on 59th drive and 59th street, west side, erected under N. B. Application 10879-1928, and N. B. Application 24-1933, with a total plot area of approximately 43,000 square feet;

A two-story, non-fireproof building, erected under N. B. Application 1033-1934 and extended under Alteration Application 5942-1936 and Alteration Application 9208-1938, with a total plot area of approximately 37,500 square feet.

The one-story building it is proposed to replace with a two-story building under Alteration Application 1412-1943 and to extend it over the remaining portion of 59th street, mapped but not dedicated to public use, with an area of approximately 2,300 square feet. The total plot area of all buildings upon completion would be approximately 83,000 square feet, and it is proposed that there be but one fire wall, located east and west, with approximately 40,000 square feet on one side toward 60th avenue and 43,000 square feet toward 59th drive.

59th street is mapped from 59th drive to 60th avenue at a width of 50 feet. From 59th drive southerly it is an opened street for a distance of 214 ft. 10 in. This factory is on the west side; several other owners are on the east side, occupying frame houses.

The area is zoned for unrestricted use. 59th street, south of the point, 214 ft. 10 in. south of 59th drive, is occupied by this factory plant except for about 46 ft., which it is now proposed to build over. The first encroachment on to the bed of 59th street occurred when the building was erected under N. B. 1033 of 1934 and extended under Alteration Application 5942 of 1936. This building completely closed off 59th street near its intersection with 60th avenue. The street as mapped bends toward the east and is not a straight line between 59th drive and 60th avenue, as was represented to the Department and it was apparently not checked, else the encroachment would have been discovered. When the second addition, under Alteration Application 9208

of 1938 was proposed, even though the street was not correctly shown, the Department discovered the mapped street encroachment. On Appeal to the Board—Cal. No. 1118-38-A, the additional encroachment into the bed of the mapped 59th street was permitted by the Board inasmuch as the street had already been closed at this point by the buildings referred to and inasmuch as the Court had found in the *Matter of Hirbro Realty Co., Inc. vs. Keller*, in 1936, that this portion of 59th street, beyond a point 214 ft. 10 in. distant southerly from 59th drive was "not a public highway." The only remaining portion of 59th street which has been declared by the Court not a public street and is not built upon is the small portion now under consideration, namely, the full width of the mapped street and approximately 46 ft. in depth.

The Board had denied an appeal for omission of a standpipe system—Cal. No. 49-35-A. Nevertheless, when the building was extended from 14,000 square feet to 22,000 square feet and, later, to 35,000 square feet, the Borough Superintendent permitted the omission of the standpipe system under Section C26-1381,b,2, even though the area far exceeded the limit permitted therein of 20,000 square feet and was contrary to C26-254, under which fire walls are required if a building, facing on two streets, exceeds 24,000 square feet, when a sprinkler system is provided. The property adjoins the Long Island Railroad right-of-way for its full length on the west and this was interpreted as a street for the purpose of these sections, for which there is no justification. The powers of the Borough Superintendent do not extend to such lengths to permit variances of the law under the limitations of the Charter, Section 645, reading, in part:

"The term 'practical difficulty' as used in this chapter shall not include any difficulty in relation to the height or bulk of any buildings, required open spaces, dimensions of yards or courts, means of egress or of sanitation, or devices for prevention or alarm in case of fire."

Section 35 of Article 3 of the General City Law was added by the Legislature by Chapter 690 of the laws of 1926 and has been in force in the form as adopted since that date. The section provides for a Board, which in New York City is the Board of Standards and Appeals, to permit a building to be erected in the bed of a mapped street under conditions which will be "as little as practicable increase the cost of opening of such street or tend to cause a change of such official map. * * *". The purpose of the section is declared to be "for the purpose of preserving the integrity of such official map * * * and the permits granted must be under such conditions as will 'inure to the benefit of the city' to keep the cost of opening the street to as low a point as practicable. A public hearing is required to give parties in interest an opportunity to be heard.

The constitutionality of Section 35 was upheld by the Court of Appeals in *Headley vs. City of Rochester* in 1936.

The decision of Mr. Justice Lockwood in 1936 in *Hirbro Realty Co., Inc. vs. Keller* dealt only with the right of the owner to construct a bridge across 59th street. The Court did not pass on whether the street was on the city map—that apparently was and now is conceded. The Court found that that portion of 59th street "from a point commencing at 214 feet 10 inches from 59th drive to 60th avenue is not a public highway" and that the bridge should be permitted. The matter at that time should have been referred to this Board under the requirements of Section 35 of the General City Law. However, the bridge was permitted as well as later building additions within the bed of that portion of 59th street declared not to be a public highway and in which the city had no vested interest. That appears to be the fact at present.

In the opinion of the Committee, the owner should

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be permitted to extend the building as proposed, limited in height to two stories, except that the northerly wall should be set back fifteen feet and closure doors installed at such point. All wall openings facing northerly, overlooking 59th street, should be filled with approved glass blocks. Similar construction should be substituted as the applicant has offered along the northerly interior lot line and for the entire length, first and second stories, along 59th street to 59th drive. The entire building as erected and as proposed should be sprinklered with a two-source system and equipped with a standpipe system. With these safeguards, all interior fire walls, except the cross fire wall as proposed, could be omitted provided any space or spaces for paint spraying, paint dipping or use or storage of paints, or packing or storage of combustible materials, is separated from the balance of the factory space by fireproof construction with approved fire doors, and the boiler is enclosed in fireproof construction and enterable only from the exterior of the building. In all other respects, the buildings and occupancy should be made to comply with all laws and rules applicable and this variance should continue only so long as the buildings are occupied throughout by the Welbilt Stove Company or their successors in the same type of business. The owner should also immediately petition the City Planning Commission for the removal from the city map of the southerly portion of 59th street, declared by the Court as not a public highway. That the owner of the fee should file with the Board an undertaking, in which they agree to indemnify the City against any claim for damages resulting from the proposed construction within the bed of the mapped street.

(Sgd.) HARRIS H. MURDOCK,
Chairman.

BERNARD A. SAVAGE,
Commissioner,

CHARLES M. BLUM,
Commissioner,

FRANK MURPHY,
Deputy Chief, Fire Department.
Committee.

and

WHEREAS, the Board deemed that the permission as recommended by the Committee, as to construction within the bed of the mapped street, is consistent with the powers granted to the Board under Section 35 of the General City Law, in view of the limitations of area and height.

Resolved, that the decision of the borough superintendent acting on Alt. Applic. 1412-43, objections 1 and 2, be and it hereby is *modified* and that the appeal be and it hereby is *granted*, in accordance with the report of the Committee, *on condition* that the exits throughout shall comply with the requirements therefor and that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

524-43-A

APPLICANT—John Ewbank, for Continental Realty Investing Co., Inc., owner (Ralph L. Evans, d/b/a R. L. Evans Associates, lessee).

SUBJECT—Appeal from an order and decision of the fire commissioner.

PREMISES AFFECTED—793-801 Second avenue and 250 East 43d street, southwest corner (10th floor); (Block 1316, Lots 27, 28, 28½, 29 and 30), Borough of Manhattan.

APPEARANCES—

For Applicant: John Ewbank.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy. 4
Negative 0

THE RESOLUTION (524-43-A)

WHEREAS, John Ewbank, for Continental Realty Investing Co., Inc., owner (Ralph L. Evans, d/b/a R. L. Evans Associates, lessee), filed October 30, 1943, an appeal from an order and decision of the fire commissioner; premises 793-801 Second avenue and 250 East 43d street, southwest corner (10th floor); (Block 1316, Lots 27, 28, 28½, 29 and 30), Borough of Manhattan; and

WHEREAS, order 35763-LC, issued by the fire commissioner August 31, 1943 and repeated in his decision of October 21, 1943, reads:

"Before a permit may be issued to store chemical reagents etc. (technical establishment), the following must be done:

1. Discontinue the storage of liquefied chlorine on these premises.

REASON: Storage maintained above the grade floor. Sec. C19-95.0-D-3, Art. 17, Admin. Code.

6. Provide a double walled metal cabinet or other cabinet of one hour fire test construction for storage of substance referred to in paragraph No. 6 of your letter of July 20, 1943: Cabinet to be made vapor tight, with self-closing doors and to be vented: vent connection to be made to main exhaust system of plant on the exhaust side of the blower. Sec. C19-11, Art. 1, Admin. Code.

7. With regard to your request (August 26, 1943) to store amines and amides, permission may not be granted. Sec. C19-133.0, Art. 23, Admin. Code."

and

WHEREAS, the applicant states building is 21 stories (238 ft. 4 in.) in height, 100 ft. by 74 ft. 11 in. in area; Class 1 construction; equipped with sprinkler and standpipe systems; erected in 1929; located in business use district; used and occupied as follows: cellar, storage and boiler room, no persons; 1st floor, stores, 70 persons; 2nd to 21 floors inclusive, offices and factory, 70 persons per floor; pent house: offices, tank room and machine room, 30 persons; that Certificate of Occupancy 16108 issued February 6, 1930, permitted the present use and occupancy of not more than 25% of floor area to be used for manufacturing purposes; and

WHEREAS, the applicant contends that items 2, 3, 4 and 5 of the fire commissioner's order have been complied with; that item 6 thereof has been complied with, as the substance therein referred to is no longer used in the laboratories; and contends as to item 1 of the order, that on the date of inspection, one 150 lb. tank of liquid chlorine was in use; that this has been since been removed; that liquid chlorine is needed in the laboratory for vital war research; that it will be under the constant supervision of a person holding a certificate of fitness; that it will not be used in manufacturing, but limited to research; and

WHEREAS, the applicant contends as to item 7 of the order, that the laboratory had a combustible permit for the storage of materials which limited such storage to 5 gallons of ethyl alcohol and 1 gallon of benzine, etc.; that in order to achieve flexibility and higher quantities of certain chemicals, a request was made to the Fire Department for permission to operate as a technical establishment; that the quantities of inflammables, combustibles, acids and chemicals on hand vary from time to time; that a request is made to the Board for permission to store whatever materials may be expedient to operate a chemical research laboratory; that if it is necessary to limit the quantities of materials stored, it is requested such limitation be made, so that one-third the quantity set forth in Sec. 140 of Chapt. 19, enumerating the materials which chemical supply houses may store, may be stored or permission be granted to use not more than one-half lb. total of the materials listed in Section 139 of Chapt. 19 of the Admin. Code; that Section 133 of Chapt. 19 of the Admin. Code prohibits the storage of amines; that it is requested the Board grant an exemption, so that this laboratory may continue to use non-explosive amines; it is requested the Board grant this appeal, so as to authorize the storage of not more than 1.14 cubic feet of liquefied chlorine, miscellaneous compressed gases in quantities not to exceed

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those permitted to be stored without a permit by Section 91 of Chapt. 19 of the Admin. Code, not more than ½ lb. total of the materials listed in Section 139 of Chapter 19 of the Admin. Code and not more than one-third of the quantities listed under Section 140 of Chapt. 19 of the Admin. Code; that the safety equipment shall be such as the fire commissioner shall direct and the operation to be under the control of a person holding a certificate of fitness; and

WHEREAS, in the opinion of the Board, the work done in this research laboratory is similar to that done in engineering laboratories of educational institutions and no material is produced for commercial sale, and all research and control work is done under the direct supervision of graduate chemical engineers; that proper limitations and safeguards should be provided, particularly where a research laboratory is maintained, as this one is, in a tenant factory building, even though the building is of Class 1 construction and protected by a sprinkler system.

Resolved, that the order of the fire commissioner 35763-LC, as to Items 1 and 7, be and it hereby is *modified*, and the appeal be and it hereby is *granted on condition* that a room shall be constructed of solid masonry material, meeting the three-hour fire-resistive requirements with a fireproof hollow metal opening protective assembly, approved for 1½ hour fire test, and maintained for the storage of main supplies of inflammable and combustible liquids; that such room shall be adequately vented by fixed ventilation to the outer air, near both floor and ceiling, and without heating, but with sprinkler protection; that a concrete sill at door shall be provided, not less than six inches in height and the floor made spark-proof; that all electrical equipment within the room shall comply with all requirements for explosive atmospheres; that a plan shall be submitted to and approved by the Borough Superintendent for such room; that all containers shall be on suitable racks and emptied by means of hand-operated pumps, of a type approved for such use by the Underwriters' Laboratories, Inc., or Factory Mutual Laboratories; that the amount of combustible liquids stored in such room shall not exceed a total of 165 gallons and the total amount of inflammable liquids—220 gallons; that such storage and handling of such materials shall be under the direct supervision of a graduate chemist or chemical engineer; that throughout the laboratory, only reagent amounts of inflammable and combustible liquids shall be used as are necessary for the conduct of the work immediately in hand; that the amount of these liquids used in the pilot plant shall be limited to only such quantities as are required for proper operation only, and that such liquids shall be transferred from the storage room to the apparatus by means of approved safety cans; that such gases as are necessary for laboratory use shall be limited to not over one hundred pounds of each combustible gas and not over ten pounds of each irritant or toxic-type gas, except that such gases, as are deemed by the fire commissioners as extra hazardous, shall be limited to one pound each, and except that liquid chlorine may be stored in a quantity not exceeding ten pounds total; that such latter type of gases shall be stored and used in laboratory hoods, such as are usually provided, and mechanically vented to the outer air; that at least one person directly responsible for handling gases shall hold a Certificate of Fitness therefor; that suitable gas masks shall be provided and readily available in each laboratory where irritant or toxic gases are used; that all cylinders for gases shall be of the type as approved for such use by the I. C. C.; that all control devices shall be of approved type or of a type satisfactory to the Fire Commissioner; that such chemicals as might ignite upon contact with water, shall be stored in a cabinet or container as will prevent contact with water and with a sign affixed, reading: "DANGER—DO NOT USE WATER," in red lettering on white background, with size of letters not less than 3 inches; that no chemicals as would be prohibited in a technical establishment under Section C19-133.0 shall be stored or used, except amides and amines of non-explosive type; that the requirements of Section C19-51.0, subdivision b, 3 and b, 5 shall be deemed not to apply, provided the requirements of this

resolution are complied with; that in all other respects, the building and occupancies shall comply with all laws and rules applicable thereto and that the standpipe, sprinkler and fire alarm systems shall be maintained to the satisfaction of the Fire Commissioner and that such portable fire-fighting appliances shall be furnished and maintained within the laboratory premises as the Fire Commissioner shall require; that this variance shall continue only so long as the requirements of this resolution are complied with and the conditions are maintained to the satisfaction of the Fire Commissioner; and that in all other respects the requirements of Order 35,763-LC shall be complied with.

589-43-A

APPLICANT—Howard Chapman, for Long Island College of Medicine, owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—88 Amity street, south side, 227 ft. west of Henry street (Block 295, Lot 14), Borough of Brooklyn.

APPEARANCES—

For Applicant: Howard Chapman and Howard W. Potter.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners, Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (589-43-A)

WHEREAS, Howard Chapman, for Long Island College, owner, filed on December 3, 1943, an appeal from a decision of the borough superintendent, affecting premises 88 Amity street, south side, 227 ft. west of Henry street (Block 294, Lot 14), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent dated November 30, 1943, on Alt. Applic. 3283-43, reads:

"1. Proposed change in occupancy of a non-fireproof building over 20 ft. in height to public use (clinic) is contrary to Sec. 4.2.1 of the Building Code as a fireproof building is required.

2. Provide a stairway complying in all respects with Sec. C26-292.0 of the Building Code."

and

WHEREAS, the applicant states the building is 3 stories (40 ft.) in height; 25 ft. by 46.3 ft. in area; of Class 3 construction; erected prior to 1890; located in an unrestricted use, D area district, and proposed to be used as follows: basement, clinic and out-patient department, 12 persons; 1st floor, offices, 5 persons; 2nd floor, Social Service Department, 8 persons; 3rd floor, Health Department and Library, 8 persons; that the building is equipped with one 3 ft. wide interior wood stairs enclosed in partitions of wood studs, lath and plaster, equipped with wood doors, and extending to roof by ladder to scuttle; and

WHEREAS, the applicant contends that the building was a four family dwelling; that all steam for heating and hot water will be supplied from the main power house of the hospital; that the basement will be used for diagnosis and treatment of ambulatory patients; the 1st floor will house the administrative offices of one of the departments of Long Island College of Medicine; the second floor will be used as offices for the Social Service Department; the third floor will house the office of the student health department and a small library; and

WHEREAS, the applicant contends as to Objection 1, that no one will be harbored or detained in the building; that there will be no occupancy after office hours; that some students will receive instruction in the building, but such use should not cause the building to be classified as a school or lecture hall; and

WHEREAS, the applicant contends as to Objection No. 2,

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that it would be impossible to provide a stairway in compliance with Section C26-292.0 of the Administrative Code and it is therefore requested that the Board grant a variation, so as to permit the alterations to be made as proposed and the building to be used as described herein, especially in view of the fact that a large percentage of those using the building will be in the Armed services and that the building will be used and operated solely by the Long Island College of Medicine and Hospital.

Resolved, that the decision of the borough superintendent acting on Alt. Applic. 3283-43, Objection 1, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the building shall not be increased in height or area and only so long as it is maintained substantially as proposed, without greater occupancy than as set forth; that after the partitions as proposed are constructed, the floor loading on each floor shall be approved for a loading of not less than 60 lbs. per superficial foot; as to Objection 2, that the primary means of exit and the exterior fire escape shall be maintained as shown and the exit from such fire escape, shall be into the rear yard, connecting with adjoining rear yards for escape in case of fire; that the primary means of exit shall be sprinklered, as required for a stairway in a converted multiple dwelling; that such instruction of students as is proposed, shall be limited to individual clinical instruction and limited to the basement only; that the building shall be removed from the classification as an old law tenement and a new Certificate of Occupancy obtained and granted only so long as the building is maintained as proposed and occupied solely by the Long Island College of Medicine and Hospital.

593-43-A

APPLICANT—Henry Gilligan, for Mildred L. Kelly, trustee (Norge Sailmakers Corporation, lessee).

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—170-172 2nd avenue, northwest corner of 13th street (1st floor); (Block 1025, Lot 49), Borough of Brooklyn.

APPEARANCES—

For Applicant: Henry Gilligan.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (593-43-A)

WHEREAS, Henry Gilligan, for Mildred L. Kelly, trustee (Norge Sailmakers Corporation, lessee), filed December 3, 1943, an appeal from an order and a decision of the fire commissioner, affecting premises 170-172 Second avenue, northwest corner of 13th street (1st floor); (Block 1025, Lot 49), Borough of Brooklyn; and

WHEREAS, order 10985-LF issued by the fire commissioner August 3, 1943 and referred to in a decision of the fire commissioner dated November 3, 1943 reads:

"1. Arrange all entrance doors on 1st floor, so that they can be opened from both sides. Section 271 and 272 of the Labor Law."

and

WHEREAS, the applicant states that the building is 3 stories (40 ft.) in height, 47 ft. 5 in. by 97 ft. 5 in. in area, of Class 1 construction, erected in 1908, located in an unrestricted use, A area district and used and occupied since 1941 as follows: cellar, storage, no persons; 1st floor, office, storage and factory, 15 persons; 2nd floor, manufacturing of rope nets, 28 persons; 3rd floor, manufacturing of rope nets, 30 persons; that Certificate of Occupancy 71410 was issued July 8, 1933, permitting the use of the building throughout as a factory, number of occupants not stated; that the building is equipped with two 43 in. steel stairs enclosed in brick and concrete, equipped with metal self-

closing doors, extending from roof bulkhead to street; and

WHEREAS, the applicant states that the panic bolts were installed in both fire towers in compliance with an order from the Plant Security Officer of the U. S. Army and it is therefore requested that the Board grant a variance of the requirements of the Labor Law, to permit the panic bolts to remain as indicated on plans filed with this appeal; and

WHEREAS, the applicant has filed a copy of the recommendation of the Plant Security Officer of the U. S. Army in support of this appeal.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in an order of the fire commissioner, Order 10985-LF, item 1 and that the appeal be and it hereby is *granted on condition* that the panic bolts shall be installed only on the street doors leading from the stairways, as indicated on plan filed with this appeal marked "December 15, 1943"; that such panic bolts shall be of an approved type; that this variance shall continue only during the term of the present emergency; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

1042-41-S

APPLICANT—Brewster Aeronautical Corporation, for Braeco Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—re Application for variation of the labor law as cited in decisions of the fire commissioner.

PREMISES AFFECTED—34-01 to 34-19 38th avenue, north side, between 34th and 35th streets, (Block 376, Lot 1), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Merwin Lewis and William T. Landry.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (1042-41-S)

WHEREAS, this application from a decision of the fire commissioner, affecting premises 34-01 to 34-19 38th avenue, north side, between 34th and 35th streets (Block 376, Lot 1), Long Island City, Borough of Queens, was granted by the Board on December 16, 1941, on certain conditions, resolution amended on October 26, 1943 and the applicant requested a further amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of December 16, 1941, as amended on October 26, 1943, so that as amended, the resolution shall read:

"*Resolved*, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in a decision of the fire commissioner, dated November 6, 1941, and that the application be and it hereby is *granted* modifying the requirements of the Smoking in Factory Rules, *on condition* that there shall be no smoking within the building except on the fourth or top floor as long as such floor is used for office work; that no manufacturing operations shall be carried on in such floor except that smoking shall not be carried on within the stair halls and stairways; that the sprinkler system, standpipe system, and fire alarm system shall be maintained in accordance with the requirements and to the satisfaction of the fire commissioner; that such signs shall be posted as to smoking as the fire commissioner shall direct; that in all other respects the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

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Resolved further, that the decision of the fire commissioner, dated October 22, 1943, be and it hereby is *modified* and that the application be and it hereby is *amended*, so that the smoking areas shall be maintained as proposed; that the number and position of guards, the designation and location of areas as shown and the size and type of receptacles shall be maintained to the satisfaction of the fire commissioner; that the time during which smoking is to be permitted, shall not exceed two 15 minute *rest periods* and *two 30 minute lunch periods* in each 8 or 10 hour shift, except in the office area as proposed; that signs shall be prominently posted to the satisfaction of the fire commissioner, stating the time of such periods; that this variance is granted only during the term of the present emergency; that the sprinkler system, interior alarm system and fire drills shall be maintained to the satisfaction of the fire commissioner; that all dipping, spraying or use of volatile inflammable materials shall be discontinued during such smoking periods, but that the ventilating system installed in connection with such spraying system shall be continued in operation during such periods; that such additional portable fire fighting appliances shall be maintained in such smoking areas as the fire commissioner shall direct; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto."

503-43-S

APPLICANT—Brewster Aeronautical Corporation, for Walter C. Young, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—re Application for variation of the Labor Law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—37-01 31st street, southeast corner of 37th avenue (Block 373, Lot 21), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Merwin Lewis and William T. Landry.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (503-43-S)

WHEREAS, this application from a decision of the fire commissioner, affecting premises 37-01 31st street southeast corner of 37th avenue (Block 373, Lot 21), Long Island City, Borough of Queens, was granted by the Board on October 26, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, the Board of Standards and Appeals does hereby *amend* the resolution of October 26, 1943, so that as amended, the resolution shall read:

"Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the requirements of the labor law and the Smoking in Factories, rules of the Board, as cited in the decision of the fire commissioner, dated October 22, 1943, and that the application be and it hereby is *granted on condition* that the smoking areas shall be maintained as proposed; that the number and position of the guards, the designation and location of areas as shown and the size and type of receptacles shall be maintained to the satisfaction of the fire commissioner; that the time during which smoking is to be permitted, shall not exceed two 15 minute *rest periods* and *two 30 minute lunch periods* in each 8 or 10 hour shift, except in the office area as proposed, and also on the entire third floor provided, such

floor is occupied for clerical office work only and no storage; that signs shall be prominently posted to the satisfaction of the fire commissioner, stating the time of such periods; that this variance is granted only during the term of the present emergency; that the sprinkler system, interior alarm system and fire drills shall be maintained to the satisfaction of the fire commissioner; that all dipping, spraying or use of volatile inflammable materials shall be discontinued during such smoking periods, but that the ventilating system installed in connection with such spraying system shall be continued in operation during such periods; that such additional portable fire fighting appliances shall be maintained in such smoking areas as the fire commissioner shall direct; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto."

504-43-S

APPLICANT—Brewster Aeronautical Corporation, for Ford Motor Company, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—re Application for variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—32-14 Northern boulevard, southeast corner of Honeywell street (Block 214, Lot 210), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Merwin Lewis and William T. Landry.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (504-43-S)

WHEREAS, this application from a decision of the fire commissioner, affecting premises 32-14 Northern boulevard, southeast corner of Honeywell street (Block 214, Lot 210), Long Island City, Borough of Queens, was granted by the Board on October 26, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of October 26, 1943, so that as amended, the resolution shall read:

"Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the requirements of the labor law and the Smoking in Factories, rules of the Board, as cited in the decision of the fire commissioner, dated October 22, 1943, and that the application be and it hereby is *granted on condition* that the smoking areas shall be maintained as proposed; that the number and position of guards, the designation and location of areas as shown and the size and type of receptacles shall be maintained to the satisfaction of the fire commissioner; that the time during which smoking is to be permitted, shall not exceed two 15 minute *rest periods* and *two 30 minute lunch periods* in each 8 or 10 hour shift, except in the office area as proposed; that signs shall be prominently posted to the satisfaction of the fire commissioner, stating the time of such periods; that this variance is granted only during the term of the present emergency; that the sprinkler system, interior alarm system and fire drills shall be maintained to the satisfaction of the fire commissioner; that all dipping, spraying or use of volatile inflammable materials shall be discontinued during such smoking periods, but that the ventilating system installed in connection with such spraying system shall be continued in operation during such periods; that such additional

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portable fire fighting appliances shall be maintained in such smoking areas as the fire commissioner shall direct; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto."

505-43-S

APPLICANT—Brewster Aeronautical Corporation, for Schulte Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution—re application for variation of the labor law as cited in a decision of the fire commissioner.

PREMISES AFFECTED—47-39 Austell place (Anable avenue), northwest corner of 27th street (Block 97, Lot 4), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Merwin Lewis and William T. Landry.

For Administration: Thomas A. Larkin, Fire Dep't.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners, Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (505-43-S)

WHEREAS, this application from a decision of the fire commissioner, affecting premises 47-39 Austell place (Anable avenue), northwest corner of 27th street (Block 97, Lot 4), Long Island City, Borough of Queens, was granted by the Board on October 26, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution of October 26, 1943, so that as amended, the resolution shall read:

"Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the requirements of the labor law, and the Smoking in Factories Rules of the Board, as cited in the decision of the fire commissioner, dated October 22, 1943, and that the application be and it hereby is granted on condition that the smoking area shall be maintained as proposed; that the number and position of guards, the designation and location of areas as shown and the size and types of receptacles shall be maintained to the satisfaction of the fire commissioner; that the time during which smoking is to be permitted, shall not exceed two 15 minute rest periods and two 30 minute lunch periods in each 8 or 10 hour shift, except in the office area as proposed; that signs shall be prominently posted to the satisfaction of the fire commissioner, stating the time of such periods; that this variance is granted only during the term of the present emergency; that the sprinkler system, interior alarm system and fire drills shall be maintained to the satisfaction of the fire commissioner; that all dipping, spraying or use of volatile inflammable materials shall be discontinued during such smoking periods, but that the ventilating system installed in connection with such spraying system shall be continued in operation during such periods; that such additional portable fire fighting appliances shall be maintained in such smoking areas as the fire commissioner shall direct; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto."

APPLIANCE AND MATERIALS SUBMITTED FOR APPROVAL

173-43-SM

APPLICANT—Condensation Engineering Corporation, owner.

SUBJECT—Vitrolite-Porcelain Enameled Outlet Piping, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Laid over to January 4, 1944 at 2 P.M. for further consideration by the Board.

1106-40-SM

APPLICANT—Ohio Hydrate and Supply Company, owner.

SUBJECT—Ohio and Hawk Spread White Finishing Lime; Ohio White Finish Autoclaved Lime; Ohio Masons Hydrated Lime; Ohio Quick-Mix Masons Lime, HyPressure Hydrate; Ohio Sanlime Colored Interior Sand Finish; Ohio Ritewall Hair Fibered Base Coat Lime Plaster, approval of.

APPEARANCES—

For Applicant: Franklin Witmer.

ACTION OF BOARD—Material approved in accordance with report of the Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION (1106-40-SM)

WHEREAS, the Ohio Hydrate and Supply Company, owner, filed on November 19, 1940, an application with the Board of Standards and Appeals for approval of the material known as Ohio and Hawk Spread White Finishing Lime; Ohio White Finish Autoclaved Lime; Ohio Masons Hydrated Lime; Ohio Quick-Mix Masons Lime, HyPressure Hydrate; Ohio Sanlime Colored Interior Sand Finish and Ohio Ritewall Hair Fibered Base Coat Lime Plaster; and

WHEREAS, this material was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

December 14, 1943.

Re: Cal. 1106-40-SM.

Subject: Ohio and Hawk Spread White Finishing Lime; Ohio White Finish Autoclaved Lime; Ohio Masons Hydrated Lime; Ohio Quick-Mix Masons Lime, HyPressure Hydrate; Ohio Sanlime Colored Interior Sand Finish; Ohio Ritewall Hair Fibered Base Coat Lime Plaster, approval of.

The Ohio Hydrate and Supply Company of Woodville, Ohio, filed an application with the Board of Standards and Appeals under C26-178.0,b for the approval of their materials as listed above for use in plaster work and masonry mortar as hereinafter provided.

MANUFACTURING OPERATIONS

All of the products of the Ohio Hydrate & Supply Company are manufactured at their plant located at Woodville, Ohio. All lime products are manufactured from a dolomitic limestone. The deposit owned by the Company comprises 375 acres. The stone is quarried mechanically, crushed in a jaw crusher and screened for calcination to 4½ in. x 8½ in. size. The analysis, dated Jan. 7, 1943 of the raw rock material from which these lime products are produced is as follows:

Calcium Carbonate	55.66
Magnesium Carbonate	43.98
Silicon Dioxide	.27
Iron Oxide	.05
Aluminum Oxide	.17

The kiln stone is drawn from bins, over squirrel cage stone cleaners to eliminate fines, into lorry cars, which feed three batteries of shaft kilns. Each battery contains twelve kilns or a total of thirty-six, being

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available for lime burning. The patent shaft kilns used in burning consist of steel shells, lined with firebrick, in which the limestone is fed into the top, slowly moving downward through the heat zone to a hopper cooler at the bottom, from which the lime is drawn into steel cars. Firing is accomplished at a level above the hopper coolers, using coal, which is burned in fire boxes outside the shaft. Steam is used to lengthen the flame and reduce the temperature in the ports entering the shaft of the kiln so as to produce a soft burnt plastic lime. The kilns are filled daily and the burning is continuous.

At four hour intervals the burnt lime is drawn from the coolers into steel cars and conveyed to cooling bins, from which it is later drawn and passed over a picking table. Here all over and under-burnt particles are removed from the quick lime by men trained in picking lime. The selected lump lime is used in the production of Ohio White and Hawk Spread White Finishing Lime. These two products are identically the same but branded separately for the convenience of marketing through competing dealers. After grinding this selected lump lime, it is then passed over Schaffer hydrators, aerators and finishing mills.

The lime is in process of hydration for a period of approximately 25 minutes. In the aerators, the heat of the lime expells the free moisture so as to insure proper finishing in the separators used for final milling. After milling and separating, the lime is placed in a bin, from whence it is bagged and loaded into cars.

Ohio Masons Hydrated Lime is made from run-of-kiln lime in a separate unit, consisting of grinder and hydrator for quick lime and aerators with air separators.

Ohio White Finish Autoclaved Lime is made from ground selected lump lime. The lime is carefully weighed and placed in a pressure hydrator, where the lime is subjected to a steam pressure of 125 pounds for sufficient time to hydrate from 92 to 98 per cent of the calcium and magnesium oxides. The resulting product is then passed over an aerator, where the heat of the lime expells the free moisture, after which it is milled to the required fineness to insure quick soaking and easy working qualities, after which it is placed in a bagging bin, passed over Valve Bag packers and loaded in cars.

Ohio Quick-Mix Masons Lime, HyPressure Hydrate is also hydrated in a pressure hydrator, where sufficient steam is generated to hydrate 92 to 98 per cent of the calcium and magnesium oxides. The harder burnt lime is used in the manufacture of Quick-Mix Masons HyPressure Hydrated Lime. After hydrating, it also passes over an aerator which eliminates free moisture, is milled to the desired fineness, placed in a bin, ready for bagging and loading.

Tests are made at regular intervals throughout the entire process of manufacture, from the raw material in the quarry to the finished product as it is being loaded. Product control care is exercised in controlling temperature of burning by taking frequent temperature readings. Fineness and plasticity tests are also made on every car shipped so as to check for quality. The capacity of the plant is approximately five to six hundred tons of burnt lime and hydrated lime products per day.

Ohio Sanlime Colored Interior Sand Finish is a mixture of Ohio Autoclaved Finishing Lime and selected brands of uniformly sized and dried white silica sand, lime-proof oxide coloring, and Keene's cement, properly proportioned and mixed under the supervision of the chief chemist of the Company to insure satisfactory results. This colored interior sand finish is produced in the following standard colors: white, ivory, buff, pink, blue and light green. The ingredients are carefully weighed and machine-mixed to insure uniformity.

Ohio Ritewall Hair Fibered Base Coat Lime Plaster is made from Ohio or Hawk Spread White Finishing Lime, with sufficient washed and picked hair and picked fiber to insure proper reinforcing of the plaster.

It is estimated that the deposit of dolomitic limestone owned by the Company is sufficient to take care of normal production requirements for a period of 300 years. It is located one mile southeast of Woodville, in the heart of the Ohio finishing lime district. Sample of these materials were selected at the plant by representatives of the Board and submitted to test at the School of Engineering, Cornell University, Ithaca, New York. The results of these tests are as follows:

TESTS

Physical samples of the materials as manufactured by the applicant were selected, sealed and sent to Cornell University for tests under the direction of Professors Scofield and Nichols with chemical and physical analysis in accordance with A.S.T.M. specification C6-31, Federal Specification SS-L-351, and Fed. Specification SSC-181,b, with analytical and calculated results performed under the jurisdiction of Professor M. L. Nichols, as follows:

	Hawk Spread White Finishing Lime	Ohio White Finish Autoclaved Lime
Moisture	0.28	0.00
Volatile Matter	17.69	27.15
Carbon Dioxide	0.99	1.84
Calcium Oxide	48.63	42.69
Magnesium Oxide	33.51	30.00
Sodium Oxide	—	—
Combined water and Carbon dioxide	17.41	27.15
Combined water	16.42	25.31
Calcium oxide combined as calcium carbonate..	1.26	2.35
Hydrated calcium oxide	47.37	40.34
Hydrated magnesium oxide	2.69	27.64
Free magnesium oxide..	30.82	2.36
Calcium and magnesium oxides on non-volatile basis	99.80	99.78
Carbon dioxide on non- volatile basis	1.20	2.53
	Ohio Masons Hydrated Lime	Ohio Quick-Mix Masons Lime Hy-Pressure Hydrate
Moisture	0.20	0.04
Volatile Matter	18.35	27.29
Carbon Dioxide	1.13	1.88
Calcium Oxide	47.95	42.61
Magnesium Oxide	33.67	30.00
Sodium Oxide	0.19	0.025
Combined water and Carbon dioxide	18.15	27.25
Combined water	17.02	25.37
Calcium oxide combined as calcium carbonate..	1.44	2.40
Hydrated calcium oxide	46.51	40.21
Hydrated magnesium oxide	4.66	27.86
Free magnesium oxide..	29.01	2.14
Calcium and magnesium oxides on non-volatile basis	99.96	99.86
Carbon dioxide on non- volatile basis	1.38	2.59

All of these samples of lime fulfill the specifications SS-L-351, E-3a and b and A.S.T.M., C6-31, that they

MINUTES

shall not contain less than 95% calcium and magnesium oxides nor more than 5% carbon dioxide on a non-volatile basis. Two of the samples fulfill specifications SS-L-351 E-3c that the total free (unhydrated) calcium and magnesium oxides in the hydrate product shall not exceed 8% by weight but the samples of Hawk Spread White Finishing Lime and Ohio Masons Hydrated Lime contain greater amounts of calculated free magnesium oxide. The samples of Ohio Masons Hydrated Lime and Ohio Quick-Mix Masons Lime, Ohio Masons Hydrated Lime and Ohio Quick-Mix Masons Lime, Hy-Pressure Hydrate fulfill specifications SS-C-181b that they shall contain less than 0.03% soluble alkali.

The applicant also manufactures a prepared finish marketed under the name of Ohio Sanlime Colored Interior Sand Finish, a sample of which was selected and submitted to Professor Nichols for analysis. Included also was a sample of a yellow oxide coloring used in this finish, with analysis of these two materials as follows:

Yellow Oxide Coloring Material

Silicon dioxide and Insoluble.....	0.45
Loss on ignition	12.7
Iron	60.3

The fact that this material turned red on ignition and the percentage of iron indicates that it is one of the yellow hydrated oxides of iron, possibly limonite.

Ohio Sanlime Colored Interior Sand Finish

This material was first dried overnight at 45 deg. C. (113 deg. F.) and then analyzed according to A.S.T.M. C26-42.

Moisture at 215 deg. C.....	0.18
Carbon dioxide	0.81
Loss on ignition	7.66
Silicon dioxide and insoluble matter....	64.3
Iron and aluminum oxides.....	0.18
Calcium oxide	14.9
Magnesium oxide	8.6
Sulfur trioxide	4.16
Sodium chloride	0.11

Samples of the above materials were also submitted to physical analysis under the direction of Professor H. H. Scofield with results as follows: "All samples submitted to Professor Scofield in 50 lb. bags, seals unbroken, except on Sand Lime Finish, which was submitted in a quantity of 15 lbs. in an open sack.

Mixed samples of the foregoing were placed in metal containers and delivered to Professor Nichols for chemical analysis hereinbefore covered. Results of the physical tests are as follows:

HAWKSPREAD WHITE FINISH

Fineness

Total retained on a No. 30 sieve — Trace
Total retained on a No. 200 sieve — 8.5%

Soundness

No checks, pops or other defects.

Plasticity

Emley plasticity figure 305
(Av. of two tests)

OHIO WHITE FINISH AUTOCLAVED

Tests of this material were made in accordance with Federal Specification SS-L-351 with autoclave tests as provided in A.S.T.M. Bulletin No. 94, dated October 19, 1938, with results as follows:

Fineness

Total retained on No. 20 sieve — Trace
Total retained on No. 200 sieve — 13.3%

Soundness

No checks, pops or other defects.

Plasticity

Emley Plasticity Figure 224
(Av. of two tests)

Autoclave Expansion 1:1:16 Mortar

Amount of water — 15% of total batch

Flow number — 78

Expansion (5 in. length) 0.079%.

OHIO MASONS HYDRATED LIME

Tests of this material were made in accordance with Federal Specification SS-L-351 with autoclave tests as provided in A.S.T.M. Bulletin No. 94, dated October 19, 1938, with results as follows:

A.S.T.M. C6-31, C110-38T and Fed. Spec. SS-L-35, Type M, also SS-C-181b.

Fineness

Total retained on No. 30 sieve — Trace
Total retained on No. 200 sieve — 4.7%

Soundness

No checks, pops or other defects.

Plasticity

Emley plasticity figure 228
(Av. of two tests)

Compressive Strength 1:1:6 Mortars (Fed. Spec. SS-C-181b.)

Amount of water....	17.1% of batch
Flow number	105
3-day strength	486 p.s.i. Av. of 5
7-day strength	763 p.s.i. Av. of 5
28-day strength	1226 p.s.i. Av. of 5

Tensile Strength

(Mortar from same batches)

7-day strength	110 p.s.i. Av. of 6
28-day strength	134 p.s.i. Av. of 6

Water Retention 1:1:6 Mortar

	Before Suction	Flow Number After Suction	Per Cent
1st Test	108	73.0	67.6
2nd Test	104	73.5	70.7

Water Repellency

% absorption 1 hour.....	808 (av. of 8)
% absorption 24 hours.....	11.89 (av. of 8)
Ratio 1 hr. to 24 hrs.....	0.68

QUICK-MIX MASONS LIME, HY-PRESSURE HYDRATE

Tests of these materials were made in accordance with the procedure, A.S.T.M. C6-31, C110-38 and Federal Spec. SS-L-35, Type M, also SS-c-181b, with result as follows:

Fineness

Total retained on No. 30 sieve — Trace
Total retained on No. 200 sieve — 10.4%

Soundness

No checks, pops or other defects.

Plasticity

Emley plasticity figure..... 233 (Av. of two)

Compressive Strength 1:1:6 Mortar

Amount of Mixing water..	18.3% of batch
Flow number	104
3-day (p.s.i.)	367 (av. of 5)
7-day (p.s.i.)	616 (av. of 5)
28-day (p.s.i.)	904 (av. of 5)

MINUTES

Tensil Strength

7-day (p.s.i.)	103 (av. of 5)
28-day (p.s.i.)	132 (av. of 5)

Water Retention 1:1:6 Mortars

	Flow Number		
	Before Suction	After Suction	Per Cent
1st Test	100	82	82
2nd Test	100	85	85

Water Repellency 1:1:6 Mortars

% Absorption 1 hr.....	9.45 (Av. of eight)
% Absorption 24 hrs.....	13.93 (Av. of eight)
Ratio 1 hr. to 24 hrs.....	0.678 (Av. of eight)

Autoclave Expansion 1:1:6 Mortars

(Reference A.S.T.M. Bulletin No. 94 Oct. 1938)

Amount of water 16% of total batch

Flow number 75%

Expansion (5 in. length) 0.0847%

OHIO SANLIME FINISH

Test of samples of this material were based on the procedures given in A.S.T.M. C25-29 and C6-31, Fed. Spec. SS-L-351, with results as follows:

Soundness

Base of 1/4 in. thick pat was made from Sanlime as submitted, with 21% water.

The cream top coat was made with neat lime (through No. 100 sieve) sifted from San Lime.

Result:

Shrinkage cracks, only in base layer.

No checks, pops or other disintegration observed after steam test.

Plasticity

Using Neat lime (through No. 100 sieve) sifted from Sanlime as submitted

Emley plasticity figure 236
(Av. of three tests)

OHIO RITEWALL HAIR FIBERED BASE COAT LIME PLASTER

The physical properties of this material are the same as given for Ohio or Hawk Spread White Finishing Lime except for the addition of hair as hereinafter described.

RECOMMENDATION

On the basis of the foregoing data, the Committee on Tests recommends that the finishing and plastering materials be approved under C26-191.0, a for use under the provisions of the Administrative Building Code as listed when used in compliance with the New York Plastering Law, known as the Law of 1911, Chapter 156, and similarly, that the limes for use in masonry mortars be approved under the pertinent sections, all listed as follows:

Hawk Spread White Finishing Lime and Ohio White Finishing Lime for white finish coat plastering for use under C26-463.0.

Ohio White Finish Autoclaved Lime for white finish coat plastering, more particularly where plaster is applied to solid backing and for patch work for use under C26-463.0.

Ohio Masons Hydrated Lime for masonry mortar or in making a lime-cement mortar for use under C26-313.0, b, c, d.

Ohio Quick-Mix Masons Lime, Hy-Pressure Hydrated, for masonry mortar and/or lime-cement mortar, for use under C26-313.0, b, c, d.

Ohio Sanlime Colored Interior Sand Finish for sand finishing for use under C26-463.0 as a finish coat.

Ohio Ritewall Hair Fibered Base Coat Lime Plaster for base coat plastering for use under C26-464.0.

It is further recommended that in using these materials, precaution should be taken as follows in handling, soaking and mixing:

HAWK SPREAD AND OHIO WHITE FINISHING LIME

Use a clean, tight mortar box. Fill the mortar box two-thirds full of water, or for less than a full box, use 7 gallons of water per 50 lb. bag of lime. Sift the lime through herringbone lath into the water, breaking up any packed balls of lime. Better putty will result by using a coarse (herringbone type) screen over the box and break the bags on it, allowing the lime to sift through it into the water.

Continue adding lime until the lime appears over the water and absorbed it so that a thin film of dry lime covers the putty. Level it off. Cover the box to keep putty clean. Allow the putty to soak (stand) for at least 24 hours. In the finish coat use 1 part of dry gauging plaster to 4 parts of lime putty or 25 to 80 pounds of lime putty to 100 pounds of Keene's cement, the quantity of the putty determining hardness of finish.

For sand float finish use 1 part of lime putty to 3 parts of sand by volume with water added to produce the proper consistency.

OHIO WHITE FINISH AUTOCLAVED LIME

The same precautions as for the preceding finishing lime shall be taken except that the lime shall be sifted into the water. When all the lime has been added, hoe to smooth putty. Adjust consistency by adding more lime or water as required. This lime can be used at once without soaking, but its plasticity will improve somewhat by soaking.

OHIO MASONS HYDRATED LIME

Follow procedure for soaking Ohio White and Hawk Spread Lime. Allow to soak for at least 24 hours to develop plasticity. Cover to prevent drying and to keep out foreign material and to prevent freezing. Combine putty with sand or sand and cement and necessary water to produce a workable mortar.

OHIO QUICK-MIX MASONS HY-PRESSURE HYDRATED LIME

As this lime is hydrated under pressure, it develops an immediate high plasticity. It can be mixed and used immediately without soaking. Thus for straight lime mortars, the sand and lime are combined with water and used at once. In cement-lime mortars, all materials can go right into the mixer dry, combined with water, for immediate use.

OHIO SANLIME COLORED INTERIOR SAND FINISH

This product is manufactured in the following standard colors: white, ivory, buff, pink, blue and light green. Color samples will be submitted on request. Most special shades or colors can be matched. In mixing and using, cleanliness of box, water and tools is absolutely required. Put 4 gallons of water in a clean box for every bag (100 lbs.) of Sanlime. Hoe to produce smooth working mixture. Apply in two even thin coats and float or texture to desired effect. Sanlime may be used at once or it can be soaked ahead. It can also be retempered.

MINUTES

OHIO RITEWALL HAIR FIBERED BASE COAT LIME PLASTER

Ohio Ritewall is a hair fibered finishing lime base coat plaster. The hair is long, washed and triple-picked. The fiber and hair are also double-picked before being placed in the mixer so as to eliminate hair lumps in the finished Ritewall. Proportions for three-coat work on metal lath or wood lath:

Scratch coat—1 sack (50 lbs.) Ritewall to 250 lbs. of well-graded plastering sand.

Brown coat—Use 1 sack (50 lbs.) Ritewall to 350 lbs. of sand.

Mix Ohio Ritewall with sand and proper amount of water and allow mortar to soak for 7 days before applying.

The recommendation for approval carries a further recommendation that all the materials to be manufactured in the processes and of the specifications contained herein, and that monthly mill test reports for each material certified to by the applicant's chemist be filed with the Board each month and that all bags, and barrels be tagged, labelled or marked "Approved by the Board of Standards and Appeals for use in New York City when used in accordance with the requirements of Cal. 1106-40-SM."

(Sgd.) BERNARD A. SAVAGE,
Commissioner,
CHARLES M. BLUM,
Commissioner,
LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this material.

Resolved, that the Board of Standards and Appeals does hereby approve the material known as Ohio and Hawk Spread White Finishing Lime; Ohio White Finish Autoclaved Lime; Ohio Masons Hydrated Lime; Ohio Quick-Mix Lime, HyPressure Hydrate; Ohio Sanlime Colored Interior Sand Finish; Ohio Ritewall Hair Fibered Base Coat Lime Plaster, on condition that the material be manufactured, used and labelled, stamped or tagged in accordance with above report.

368-43-SA

APPLICANT—Louis A. Freedman, owner.

SUBJECT—Grafibre Gib for Elevator Guide-Rail Shoe, approval of.

APPEARANCES—

For Applicant: Louis A. Freedman.

ACTION OF BOARD—Appliance approved in accordance with report of the Committee on Tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners
Savage and Blum and Deputy Chief Murphy 4
Negative 0

THE RESOLUTION. (368-43-SA)

WHEREAS, Louis A. Freedman, owner, filed on July 19, 1943, an application with the Board of Standards and Appeals for approval of the appliance known as the Grafibre Gib for Elevator Guide-Rail Shoe; and

WHEREAS, this appliance was submitted to the Committee on Tests of the Board for test and report; and

WHEREAS, the report of the Committee on Tests reads:

REPORT OF COMMITTEE ON TESTS

December 11, 1943.

Cal. 368-43-SA.

Subject: Grafibre Gib for Elevator Guide-Rail Shoe, Approval of.

Louis A. Freedman, filed July 19, 1943, an applica-

tion with the Board of Standards and Appeals for approval of Grafibre Gib for Elevator Guide-Rail Shoe, under the provisions of C26-178.0b Administrative Building Code for use under Art. 14 of Chapter 26, and the Elevator Rules of the Board of Standards and Appeals.

DESCRIPTION

The Grabfibre Gib is constructed of oil-soaked super-grey fibre 10% denser than Spaldings regular grey calendared fibre calendared in oil under about 5 tons pressure. These fibre laminations are approximately $\frac{1}{8}$ in. thick, assembled upon two "U" shaped brass rivet rods which are die-cast into a lead assembly with a $\frac{1}{2}$ in. thick fibre keeper cap riveted upon the opposite ends of the rods. The laminations are held apart about $\frac{3}{32}$ of an inch by small embossures. The space between the laminations is filled with a paste composed of a mixture of part-powdered natural graphite and part fibrous grease, making the gibs self-lubricating and eliminating the necessity of mechanical oilers or hand lubrication.

TEST

An inspection and test was made of these gibs at the No. 1 Building, Rockefeller Center, where they were installed on elevators operating from 900 to 1400 ft. per minute and where they had been in use for varying durations up to five years and ten months. The inspection indicated but slight wear on these gibs and the rails were free from gums and oils and the shafts were clean, indicating the gibs functioned as designed.

Present at the test were representatives of the Committee on Tests, a representative of the Department of Housing and Buildings and of the owners. It is apparent that from the data submitted of a test of the safety devices on an elevator equipped with these gibs showed that they complied with Section C26-992.0 application of "Governor Controlled Safeties," Sect. C26-993.0 "Recognized Type of Safeties," Sect. C26-1007.0, "Maximum and minimum stopping distances of gradual wedge clamp safeties" and Section C26-1009.0, "Pull out of the governor cable," Article 14 of the Administrative Building Code, when tested and equipped with a safety device of the "Gradual wedge clamp type" with constant increasing retarding force.

RECOMMENDATION

On the basis of this inspection and test, it is recommended that the Grafibre Gib for Elevator Guide-Rail Shoe be approved for use in New York City, under C26-191.0a for use under the provisions of Article 14, Chapter 26 known as the Administrative Building Code, and the Elevator Rules of the Board, used in accordance with this report, provided the device bears a label permanently affixed, reading, "Approved by the Board of Standards and Appeals for use in New York City, under Cal. 368-43-SA."

(Sgd.) BERNARD A. SAVAGE,
Commissioner,
CHARLES M. BLUM,
Commissioner,
LESLIE V. HUBER,
Chief Engineer,
Committee on Tests.

and

WHEREAS, this report recommended the approval of this appliance.

Resolved, that the Board of Standards and Appeals does hereby approve the appliance known as the Grafibre Gib for Elevator Guide-Rail Shoe, on condition that the appliance be manufactured, installed, and labelled, stamped or tagged in accordance with the above report.

Adjourned: 4:15 P.M.

JOSEPH J. DOYLE, Chief Clerk.

SUPPLEMENT TO THE BULLETIN

JAN 13 1944

UNIVERSITY OF ILLINOIS

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

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FOREWORD

In this supplement is published rules that have been adopted by the Board of Standards and Appeals under its powers as set forth in the present New York Charter, Section 666, subdivisions 2 and 3 and in Section C26-189.0 of the Administrative Code. These sections are quoted below.

ADOPTION OF RULES

JURISDICTION—New York Charter, Section 666.

The Board shall have power:

2. To make, amend and repeal rules and regulations for carrying into effect the provisions of the laws, resolutions, rules and regulations in respect to any subject-matter, jurisdiction whereof is conferred by law upon the board, and to include in such rules and regulations provisions applying to specific conditions and prescribing means and methods of practice to effectuate such provisions and for carrying into effect the powers of the board.

O.C. Sec. 718a subd. 2, added L 1916 c 503.

3. To make, amend and repeal rules and regulations for the enforcement of those provisions of the Labor Law and other laws which relate to the construction, alteration, structural changes in, plumbing and drainage of, elevators in, fire escapes on, adequacy and means of exit from and fire protection in all buildings within the city, which shall take the place of the industrial code and of any rules and regulations of the Department of Labor of the State of New York relating to the same subject-matter.

O.C. Sec. 718a subds. 2, 3, added L 1916 c 503.

JURISDICTION—Administrative Code.

Sec. C26-189.0 Authority to adopt rules.—a. The Board shall have power to adopt rules to secure the intent and

RULES

purposes of this title and a proper enforcement of its provisions. The Board also shall have power to make rules and regulations respecting the approval of materials and methods of construction. Such rules shall be uniform in all the boroughs.

b. Where not inconsistent with specific provisions of this title, the rules adopted by the Board before January first, nineteen hundred thirty-eight, by the former superintendent of buildings, and by the former Board of Buildings are hereby confirmed and they shall remain effective until amended or repealed.

c. Wherever in this title A.S.T.M. specifications or other standard specifications are prescribed such specifications shall govern until such time as they may be amended, modified or superseded by the Board.

Sec. C26-25.0 Board.—The term "Board" shall mean the board of Standards and Appeals, unless specifically designated otherwise.

Upon establishment of the Board of Standards and Appeals, under the amendment to the Greater New York Charter by the New York State Legislature, Chapter 503 of the Laws of 1916, the Corporation Counsel compiled rules in force May 10, 1916, adopted prior thereto by the Fire Department, the Bureau of Buildings and the State Industrial Commission of the State Department of Labor, and certified such rules as Rules of the Board. This certification was provided for in Section 718-B of the Greater New York Charter, as amended by Chapter 503 of the Laws of 1916, which section, as amended by Local Law 13 of 1925, reads as follows:

"2. All rules and regulations heretofore lawfully adopted by the board as heretofore instituted, or by a president of a borough, a superintendent of buildings, the fire commissioner or any other officer, department, board or bureau of the city or the labor department of the state or the industrial commission thereof relating to any matter, within the jurisdiction of the board, and which shall be in force when this section as amended shall take effect, shall continue in force until amended, repealed or superseded, and be enforced as rules and regulations of the board."

The rules so certified as thereafter rules of the Board were published in Volume II, Supplement to Bulletins 14, April 5, 1917; 19, May 10, 1917; 26, June 28, 1917; 38, September 20, 1917; and 51, December 20, 1917.

The opinion of the Corporation Counsel No. 13079, as printed in the Bulletin of December 4, 1934, stated in part: "The power of the Board of Standards and Appeals to make rules and regulations, as set forth in Sections 718 and 719 of the Greater New York Charter, has not been limited or abridged by Chapter 764 of the Laws of 1933" (the McCall Act). Since the provisions of Chapter 764 were not carried over to the present Charter, Section 666 of the New York Charter continues the provision as included in the Greater New York Charter, as amended by Chapter 503 of the Laws of 1916, which gave the Board the exclusive power to adopt rules for carrying into effect the provisions of laws and ordinances.

RULES IN ADDITION TO RULES PUBLISHED IN THIS SUPPLEMENT TO THE BULLETIN

- * Concrete Flat Slab, Rules
- * Concrete Rules (Hydrated Lime)
- * Elevator Rules
- * Exit Rules (Revolving Doors)

- * Fireproof Wood, Testing of
Frame Garages
- ** Gas Shut-Off Rules
Hatchway Protection
- *** Platform Trucks, Specifications for
- * Plumbing Rules
Procedure, Rules of
- *** Refrigerating Systems—Extract A. C.
- **** Sprinkler Rules
- * Standpipe Fireline Rules
- * Structural Alterations, Reporting
- *** Tank Trucks, Fuel Oil, etc.
- *** Tank Trucks, Gasoline, etc.

The above rules are in effect—see starred notes below. These rules are published in the Bulletin from time to time. All rules published in this Supplement appear in Volume IV of Building Laws as published in the City Record in 1942, which also include the Sprinkler Rules.

- * Similar matter is now included in the Administrative Building Code but apply where provisions of Rules are more restrictive than Code provisions.
- ** Apply where Gas Shut-Offs are voluntarily installed.
- *** These are not rules of the Board but are extracts from the Administrative Code or specifications of the Fire Commissioner, published in Bulletins from time to time for the convenience of the public.
- **** Applicable in Factory buildings where a sprinkler system is required under the Labor Law and where increase of occupancy and greater distance between exits are permitted if a sprinkler system is installed. Provisions governing sprinkler systems in the Administrative Building Code also apply, but where less restrictive, the Rules of the Board apply.

OPINION OF CORPORATION COUNSEL

September 9, 1943.

HON. HARRIS H. MURDOCK,

Chairman, Board of Standards and Appeals.

SIR:

I have your letter of November 18, 1942, requesting my opinion as to whether the Board of Standards and Appeals has authority to promulgate the proposed rules entitled "Rules for Erection, Alteration, Repair, Excavation for and Demolition of Buildings," a draft of which is set forth in the Bulletin of the Board of Standards and Appeals, Volume 26, No. 52, pp. 1735-1764, and whether the position taken by the representative of the State Board of Standards and Appeals, which is set forth in your letter, is binding upon your Board.

It is my opinion that the Board of Standards and Appeals of the City of New York has exclusive jurisdiction to make rules applicable within the City of New York on all aspects of construction, alteration, repair and demolition of all buildings within the City including all aspects of the protection of the public and persons engaged in the work involved. Accordingly, I advise you that the position taken by the representative of the State Board of Standards and Appeals is not binding upon the Board of Standards and Appeals of the City of New York and that the City Board has full jurisdiction to promulgate the proposed rules.

Yours truly,

(Signed) IGNATIUS WILKINSON,
Corporation Counsel.

RULES

RULES FOR THE TESTING AND USE OF BLENDED CEMENTS

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS, AUGUST 2, 1940. EFFECTIVE, IN ACCORDANCE WITH SECTION 665, SUBDIVISION C, OF THE NEW YORK CITY CHARTER, AUGUST 26, 1940.

(584-39-SR)

Authority:

Pursuant to the Authority vested in the Board of Standards and Appeals by Section 666, paragraph 2, Charter of the City of New York, and C26-189.0, Administrative Building Code (2.2.1.1), and C26-312.0, paragraph c. subdivision 2, Administrative Building Code (7.1.1.7.3) reading: "Nothing herein contained shall be construed to prohibit the use of cements of other types which are approved by the board and are used in accordance with rules of the board governing their use."

1.0 Scope.

1.1 The intent of these rules is to provide a basis for the use of blended cements other than Portland Cement. Subject to the restrictions in the approval of the Board as to each brand, such blended cements may be used as substitutes for Portland Cement on an equivalent weight basis where Portland Cement is permitted.

2.0 Blended Cements.

2.1 Blended cements shall include an intimately interground mixture of approved Portland Cement with natural or artificial products composed of silica and alumina, which shall be mixed with Portland Cement in limited proportions, (except as may be otherwise provided for in the Administrative Code) and which will react in the presence of water to form a hydraulic cement.

2.2 Admixtures to Portland Cement shall have a previous record of satisfactory experience.

2.3 These rules shall not be applicable to harmless materials used as coloring, waterproofing, plaster-cizing, and freezing preventatives when used as admixtures to Portland Cement in quantities not in excess of 1%.

3.0 Manufacture and quality of blended cements.

3.1 A flow sheet in duplicate showing the process of manufacture and blending shall be filed with the Board as part of any application for approval which shall include the origin and the amount of materials used and proof as to quality and uniformity.

4.0 Available supply of raw materials.

4.1 Evidence shall be filed with the Board showing the potential supply of raw material available to the manufacture.

5.0 Fineness.

5.1 The specific surface shall be not less than 1800 sq. cm. per gram, as determined by methods of test described in A.S.T.M. specifications C115-38T.

5.2 The residue shall not exceed 15% by weight on a No. 325 standard sieve.

6.0 Soundness.

6.1 A pat of neat cement of normal consistency shall be subjected to tests for soundness by the methods

outlined in A.S.T.M. specifications C77-36, and when so tested it shall show no signs of distortion, cracking, checking or disintegration when subjected to the steam test, nor shall the expansion of the pat be greater than 5mm, when molded in Le Chatelier tongs and stored in a standard moist closet for 24 hours.

6.2 In addition to these requirements, the expansion of three 1" x 1" x 10" bars of neat cement of normal consistency when subjected to the Autoclave test, A.S.T.M. tentative method, shall not have an expansion in excess of 0.75%.

7.0 Time of set.

7.1 Time of setting shall be determined by test described in A.S.T.M. Specification C77-36, and the mortar so tested shall not develop initial set in less than one hour and final set in more than 10 hours, as tested with Vicat or Gillmore needle.

8.0 Compressive strength for normal blended cements.

8.1 The average compressive strength of five 2-inch mortar cubes composed of one part of blended cement and 2.75 parts graded Ottawa sand by weight shall be not less than the following:

Age at Test	Storage of Cubes	*Compressive Strength
7 days	1 day in moist air, 6 days in water	2200 lbs. sq. in.
28 days	1 day in moist air, 27 days in water	3500 lbs. sq. in.

*When tested in accordance with Fed. Spec. SS-C-158.

8.2 Tensile Strength.

The average tensile strength in lbs. sq. in. of not less than 5 mortar briquets composed of one part cement and 3 parts of Ottawa sand, by weight, shall be equal to or greater than the following:

Age at Test	Storage of Briquets	Tensile Strength Lbs. Sq. In.
3 days	1 day in moist air, 2 days in water	175
7 days	1 day in moist air, 6 days in water	275
28 days	1 day in moist air, 27 days in water	350

The average tensile strength of the mortar at 7 and 28 days shall be higher than that at 3 and 7 days, respectively.

9.0 Blended cements having other properties.

9.1 When approval of the board is requested for the use of Blended Cements having high early strength, sulfate resistance or low heat of hydration, application shall be made to the board for additional tests to develop these properties.

RULES

RULES FOR ERECTION, ALTERATION, REPAIR, EXCAVATION FOR AND DEMOLITION OF BUILDINGS

Adopted by The Board of Standards and Appeals, October 26, 1943, Effective December 13, 1943.

(784-41-SR)

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraphs 3 and 4, Charter, City of New York and C26-189.0, C26-191.0, C26-689.0 of the Administrative Building Code.

PURPOSE.

It is the purpose of these rules to carry out the intent of Sec. C26-3.0 of the Administrative Building Code and to supplement the present requirements of the Administrative Building Code and to enforce and to supplement the present requirements of the Labor Law in relation to the erection, alteration, repair, excavation for and demolition of buildings within The City of New York and the protection of the public and persons engaged in the work involved.

SCOPE.

These rules shall be applicable to all structures or any parts thereof coming within the purview of the Administrative Building Code and the Labor Law and shall include scaffolding, hoists, ladders, derricks and other equipment as may be used in the erection, alteration, repair, excavation for or demolition of a structure or any part thereof.

ENFORCEMENT.

The enforcement of these rules shall be by the agencies of The City of New York, having jurisdiction.

Where the terms "Commissioner," "superintendent" or "department" occur in these rules, they are intended to refer to the Department of Housing and Buildings, unless specifically designated otherwise.

PERMITS AND NOTICES THEREOF.

Permits for the erection or alteration of a structure or any part thereof shall meet the requirements of C26-161.0, for the removal or repair of a structure or any part thereof, Section C26-193.0, and for demolition of any structure or part thereof C26-168.0.

INDEX.

- Sec. 1—Definitions.
- " 2—General Requirements.
- " 3—Excavation Operations.
- " 4—Construction of Buildings and Structures.
- " 5—Repair and Alteration Operations.
- " 6—Demolition Operations.
- " 7—Equipment.

NOTE—References given herein preceded by C26- refer to specific sections of the Administrative Building Code. Wherever decimal numbers occur, such system of numbering refers to these rules.

1.0 DEFINITIONS.

1.1 C26-11.0 Alteration—The term "alteration," as applied to a building or structure, shall mean any change or rearrangement in the structural parts or existing facilities of any such building or structure, or any enlargement thereof, whether by extension on any side or by any increase in height, or the moving of such building or structure from one location or position to another.

1.2 Approved—The term "approved" shall mean any material, device or method of construction as may be approved by the Board. See C26-14.0.

1.3 Bearer—The term "bearer" shall mean a scaffold member upon which the platform rests and which is supported by ledgers.

1.4 Board—The term "Board" shall mean the Board of Standards and Appeals of The City of New York. See C26-25.0.

1.5 Boatswain's Chair—The term "boatswain's chair" shall mean a seat supported by rope slings attached to a suspension rope and designed to accommodate one workman in a sitting position.

1.6 C26-41.0 Construction—The term "construction" shall mean and include alterations, repairs and operations incidental to construction. The foregoing definition is taken from the Administrative Building Code, but for the purposes of these rules, construction shall be further defined as erection, alteration, repair, renovation or demolition of any building or structure and any excavation work in connection therewith.

1.7 Construction Site—The term "construction site" shall mean that area within which construction operations are performed and shall include contiguous areas affected by the construction.

1.8 C26-45.0 Curb—a. The term "curb," when used in defining the height of a structure, shall mean the legally established level on the curb in front of the structure, measured at the center of such front. When a building faces on more than one street, the term "curb" shall mean the average of the legally established level of the curbs at the center of each front.

b. The term "curb," when used in fixing the depth of an excavation, shall mean the legal curb level at the nearest point of that curb which is nearest to the point of the excavation in question.

1.8.1 C26-45.1 Curb Levels—Where no curb has been established, a curb level shall be established by the agency empowered to fix curb levels.

1.8.1.1 C26-45.2—When an open unoccupied space in front of any multiple dwelling is above the curb level, and also extends along the entire street lot line on any street and is not less than five feet in depth, the level of such open unoccupied space shall be considered the curb level, provided it is not more than three feet above the level of the established curb in front of the building measured at the center of such front.

1.8.2. C26-89.0 Legal Curb Level — The term "legal curb level" shall mean the curb level established by the borough president for Class 4 residence structures. See C26-254.0i.

1.9 Demolition—The term "demolition" applied to a building or structure shall mean the taking down or razing of the structure to any level.

1.10 C26-60.0 Elevator—(a) The term "elevator" shall mean a hoisting and lowering mechanism equipped with a cab or platform which moves in guides in a substantially vertical direction.

(b) The term "elevator" shall exclude dumbwaiters, hoists, endless belts, conveyors, chains, buckets and similar machines used for the purpose of elevating materials, and tiering or piling machines.

1.11 Equipment—The term "equipment" shall mean all types of construction machinery, including tools, derricks, hoists, elevators and other material-handling equipment, scaffolds, platforms, runways, ladders and all similar equipment, safeguards, protective devices as may be used in construction operations.

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1.12 Erection—The term "erection" shall mean the construction of any structure.

1.13 Guard Rail or railing shall mean a guard rail or railing complying with the requirements of Rule 7.13.

1.14 Hoist—The term "hoist" shall mean a hand or power-operated device capable of raising or lowering a platform, cage, bucket, sling or hook.

1.15 Horse—The term "horse" shall mean an assembly consisting of a bearer with four or more legs fastened and braced thereto in a manner to provide a rigid, stable and portable support for working platforms.

1.16 Inspection—The term "inspection" shall mean inspection by the borough superintendent, unless specifically designated otherwise herein.

1.17 Ladder—The term "ladder" shall mean an item of equipment designed to provide means of ascending or descending and consisting of side rails joined at suitable equal intervals by cross pieces called rungs, cleats or treads.

1.17.1 Cleat Ladder—The term "cleat ladder" shall mean a one-section ladder having steps formed of cleats housed into the narrow face of the side rails.

1.17.2 Construction or Builder's Ladder—The term "construction or builder's ladder" shall mean a single or straight ladder consisting of but one section.

1.17.3 Crawling Board or Chicken Ladder—The term "crawling board or chicken ladder" shall mean a single plank or board to which cleats are nailed at proper intervals.

1.17.4 Extension Ladder—The term "extension ladder" shall mean a ladder of two or more sections traveling in guides or brackets, which are so arranged that the ladder may be adjustable to various lengths.

1.17.5 Extension Trestle Ladder—The term "extension trestle ladder" shall mean a ladder consisting of a trestle ladder with an additional single ladder section having parallel sides, which is fastened to the top of the trestle ladder but which can be adjusted to various heights.

1.17.6 Sectional Ladder—The term "sectional ladder" shall mean a ladder consisting of two or more sections so constructed that the sections can be combined end to end so as to function as a single ladder.

1.17.7 Single Ladder—The term "single ladder" shall mean a ladder of but one section, the side rails of which may be constructed so as to be parallel or so constructed as to have a wider spread at the bottom.

1.17.8 Step-ladder—The term "step-ladder" shall mean a ladder with wide flat steps secured to the side rails and constructed with a hinged section so as to be self-supporting.

1.17.9 Trestle Ladder—The term "trestle ladder" shall mean a ladder consisting of two similar single ladder sections hinged together at the top and which, when used with the sections spread, is self-supporting.

1.18 Ledger—The term "ledger" shall mean the scaffold member which extends from post to post and which supports the put-logs or bearers and forms a tie between the posts.

1.19 Put-Log—The term "put-log" shall mean the scaffold member of a single pole scaffold, which is supported at one end by a ledger and at the other end by the wall and is used for supporting the platform.

1.20 Ramp—The term "ramp" shall mean an inclined runway.

1.21 Repair—The term "repair" as applied to a building or structure shall mean the replacing of parts of said structure damaged or defective or requiring removal and replacement for any cause.

1.22 Roofing Bracket—The term "roofing bracket" shall mean a bracket used in sloped roof construction, having sharp points or provisions for nailing to prevent slipping or which is supported by ropes passing over the ridge and secured to a permanent object.

1.23 Runway—The term "runway" shall mean an aisle or walkway constructed or maintained as a passageway.

1.24 Scaffold—The term "scaffold" shall mean any elevated platform used for supporting workmen, material or both.

1.24.1 Bricklayer's Square Scaffold—The term "bricklayer's square scaffold" shall mean a scaffold, the platform of which is composed of planks supported on built-up squares, secured to each other by diagonal bracing.

1.24.2 Carpenter's Bracket Scaffold—The term "carpenter's bracket scaffold" shall mean a scaffold the platform of which is composed of planks supported in triangular shaped brackets firmly secured to the side of the building.

1.24.3 Heavy Duty Scaffold—The term "heavy duty scaffold" shall mean a scaffold designed and constructed to carry a working load of seventy-five (75) pounds per square foot, such as intended for the use of stone masons or other similar trades, which supports in addition to the workmen a supply of heavy building material.

1.24.4 Horse Scaffold—The term "horse scaffold" shall mean a scaffold the platform of which is supported by horses as defined in Rule 1.15.

1.24.5 Independent Pole Scaffold—The term "independent pole scaffold" shall mean a scaffold supported from the base of a double row of uprights, independent of support from the walls, and constructed of uprights, ledgers, horizontal bearers, etc.

1.24.6 Ladder Jack Scaffold—The term "ladder jack scaffold" shall mean a scaffold the platform of which is supported by appropriately designed brackets or jacks attached to the side rails of ladders.

1.24.7 Light Duty Scaffold—The term "light duty scaffold" shall mean a scaffold designed, and constructed to carry a working load of twenty-five (25) pounds per square foot, such as intended for the use of carpenters, painters or others of similar trades, which supports no load other than the workmen and a minimum amount of lightweight material.

1.24.8 Needle Beam Scaffold or Riveter's Scaffold—The term "needle beam scaffold or riveter's scaffold" shall mean a scaffold consisting of a plank platform supported by parallel horizontal beams which are supported by and swung on ropes.

1.24.9 Outrigger Scaffold—The term "outrigger scaffold" shall mean a scaffold the platform of which is supported by outriggers projecting from the walls of the building with the inner end of the outrigger anchored within the building.

1.24.10 Regular Duty Scaffold—The term "regular duty scaffold" shall mean a scaffold such as designed for the use of bricklayers, plasterers or others of similar trades, which supports in addition to workmen a moderate amount of material.

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1.24.11 Single Pole Scaffold—The term "single pole scaffold" shall mean a scaffold supported from the base with but one row of uprights located at the outer edge of the platform. The platform is supported by cross beams or putlogs, the outer ends of which are supported on ledgers secured to the uprights and the inner ends are anchored in or on the wall.

1.24.12 Suspended Scaffold—The term "suspended scaffold" shall mean a scaffold, the platform of which is supported from above at more than two points by wire cables or suspended from overhead outriggers which are securely anchored to the frame of the structure, and which platform is raised or lowered by the use of hoisting devices located on the outriggers or on the platform.

1.24.13 Swinging Scaffold—The term "swinging scaffold" shall mean a scaffold, the platform of which is supported by stirrups or hangers at not more than two points and which is suspended from overhead supports so as to permit the raising or lowering of the platform to a desired position.

1.24.14 Window Jack Scaffold—The term "window jack scaffold" shall mean a scaffold the platform of which is supported by a properly designed bracket jack or outrigger which projects through a window opening.

1.25 Securely—The term "securely" shall mean that the object or member referred to is so fastened in place that the fastening in connection therewith is sufficiently strong to safely perform the required function.

1.26 C26-147.0 Structure—The term "structure" shall mean a building or construction of any kind.

1.27 Tier—The term "tier" shall mean a story or the structural framework of the floor level of a story.

2.0 GENERAL REQUIREMENTS.

2.1 Inspection of Devices and Equipment.

Before any scaffold, ladder, hoist, derrick, ramp, walkway or other equipment is used on any construction site, such equipment shall be inspected by the contractor or other competent person designated by him. Such inspection shall be thoroughly and carefully made and every defect or unsafe condition shall be corrected before using. Any unsafe equipment shall be precluded from use by posting the words "unsafe for use" thereon. Every scaffold, ladder, hoist, derrick or other equipment and every safety device and safeguard shall be maintained in good working condition at all times. The results of an inspection of all scaffolds are to be certified to the borough superintendent. See Sec. 240 Labor Law.

2.2 Construction and Maintenance of Equipment and Safeguards.

2.2.1 C26-555.0—All devices or equipment which are used in connection with the performance of work and regulated by this article, shall be constructed, installed and maintained in a substantial manner and so operated as to give proper protection to persons and shall not be removed, altered, weakened, or rendered inoperative so long as they are needed or in use, except as provided in section C26-553.0, unless so ordered by a person in responsible charge of the operation.

2.2.2. Metal, or fireproofed wood scaffolding tested as provided in C26-331.0 to C26-339.0, shall be used in all construction, repair or partial demolition in public buildings in which per-

sons are bedridden or detained or in which the occupancies are similar.

2.3 C26-553.0, a. Responsibility of Employees and Other Persons for Protection of the Public and Workmen.

(a) It shall be unlawful to remove or render inoperative any safeguard or sanitary convenience now provided, except where necessary during the actual installation of work or for the purpose of immediately repairing or adjusting such safeguards or conveniences, in which case they shall be immediately replaced. Every person shall be responsible for carrying out all rules which immediately concern or affect his conduct and shall use safety devices furnished for his protection.

2.4 Fire Extinguishers and Fire Protection.

At all times during construction operations, ready access to all fire hydrants and to outside connections for standpipes, sprinklers or other fire extinguishing equipment shall be provided and maintained and no material or equipment shall be placed within five (5) feet of such hydrant or connection. When buildings exceed 3 stories, a safe interior stairway or ladder located in each stair-well and properly secured at top and bottom shall be maintained.

Where a wood scaffold more than forty (40) feet in height is erected there shall be provided on each floor not less than one approved 2½ gallon fire extinguisher located in a position readily accessible to the scaffold.

Suitable placards indicating that fire extinguishers are kept in designated places shall be posted in conspicuous places.

At least one 40 gallon water cask with 4 approved round bottom buckets or a safety bucket tank and 5 buckets, or one 2½ gallon fire extinguisher shall be provided on each story and cellar for each 2500 square feet of floor area. In cold weather extinguishers shall be of the non-freezing type and bucket tanks and water casks shall be provided with a sufficient amount of calcium chloride or other approved material to prevent freezing.

Similar additional fire extinguishers shall be provided alongside each shed or locker room used by painters, carpenters and plumbers.

All loose paint, etc., shall be stored over night in approved storage bins and all overalls, jumpers, etc., in approved metal lockers.

All oakum and other combustible material kept in mechanics' lockers shall be stored in a metal cabinet.

All combustible waste material and debris shall be removed from the building after each day's work.

2.5 C26-1435.0 Standpipe Systems in Structures in Course of Erection.

(a) In structures under erection for which a standpipe system will be required, provision shall be made for the use of standpipes by the fire department whenever the construction has progressed so that floors are in place above the seventh story or more than seven-five feet above the curb level. The standpipe equipment thus provided may be a temporary installation.

(b) A temporary standpipe system shall be one which may be used for water supply during the construction operations. Temporary risers shall be at least four inches in diameter for structures of less than four hundred fifty feet in height and at least six inches in diameter for structures four hundred fifty feet or more in height. There shall be as many risers as will be required for the permanent system. Each such riser shall have a Siamese hose connection at the street level and be equipped on each floor enclosed in exterior walls with hose outlets equipped with two and one-half inch hose valves. The installations shall be made so that each riser, cross-connec-

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tion and branch line shall be watertight when work is not being done on the system. The location of the Siamese hose connection shall be placarded, kept free from obstruction, and indicated by a red light.

2.6 C26-1434.0 Elevators for Fire Department Use in Incompleted Structures.

In structures in course of erection where the work has progressed to a height of more than one hundred fifty feet, at least one elevator used for carrying passengers or employees shall be kept in readiness at all times for fire department use, and a competent elevator operator shall be available at all times unless the elevator is equipped with devices such that it can be safely operated by the fire department.

2.7 Salamanders and Other Heating Devices.

Salamanders and similar heating devices shall not be set up and used in any space which has not at least one window opening, unless each such heating device shall be provided with a sheet metal hood and a sheet metal pipe, extending from the hood to the outside air, to carry off the gases of combustion. Heating devices shall not be set directly upon combustible material but shall rest on beds of earth, sand or ashes not less than three (3) inches in thickness or on heavy metal plates, adequately insulated from the combustible material. The legs of the heating device shall rest on the insulating material. Such insulation shall extend beyond the device not less than two (2) feet on all sides.

Salamanders shall not be set up less than five (5) feet, in a horizontal direction, from any combustible material. Every heating device shall have not less than a five (5) foot clearance over head. All tarpaulins or canvas coverings shall be maintained not less than ten (10) feet from a heating device and such tarpaulins or canvas shall be securely fastened to prevent their being blown toward the salamander or heating device.

Wherever salamanders or other heating devices are used, fire protective equipment shall be maintained on each floor irrespective of area during the usage of such heating devices.

Salamanders used to prevent concrete or other materials from freezing shall be provided with water pans.

2.8 Electrical Hazards.

All electrical wiring and electrical equipment shall be installed and maintained in accordance with the provisions of the Electrical Code, Chapter 30, Title B, Administrative Code and temporary wiring rules supplemental thereto.

2.9 C26-554.0 Guarding of Machinery.

All dangerous moving parts of machines shall, where practicable, be adequately guarded.

All keys, set-screws, bolts or similar projections on shafts, pulleys, gears, collars, or couplings and other revolving members, where such projections are not counter-sunk or protected by location from accidental contact by a workman, shall be protected by smooth cylindrical safety sleeves of wood or metal surrounding the projection, or shall be guarded by a stationary enclosure of sheet metal, rigid wire mesh, rigid expanded metal or other similar material having openings which shall not exceed one-half ($\frac{1}{2}$) inch mesh.

2.10 Power Driven Saws.

All portable power-driven hand-operated saws which are not mounted upon saw tables shall be equipped with guards above the base plate which will completely protect the operator from contact with the saw when in motion and with self-adjusting guards below the base plate which will completely cover the saw to the full depth of the teeth when the saw is removed from the cut, or equally effective

guards shall be provided. Electrically driven portable saws shall also be subject to the requirements of Rule 7.18.3, "Electrical Tools".

Every power driven saw which is mounted with a saw table shall be equipped with a guard which shall cover the saw to such an extent so as to preclude contact with any part of the teeth of the saw which are more than two (2) inches above the saw table and which are not protected by the spreader or similar device. In operation, the guard shall automatically rise by pressure from the material or shall be so placed that as the saw cuts the material, the distance from the material to the underside of the guard does not exceed one-half ($\frac{1}{2}$) inch. The exposed teeth of the saw blade beneath the table shall be effectively guarded.

Every circular saw used for ripping shall be provided with a spreader securely fastened in position and with an effective device to prevent the kicking back of the material.

2.11 Mixing Machines.

The revolving blades of mixing machines of the trough type shall be guarded with a substantial woven wire or iron enclosure having openings not more than one-half ($\frac{1}{2}$) inch mesh.

2.12 Sprockets, Gears and Friction-Disc Drives.

Sprockets, gears and friction-disc drives, which are not protected by location from accidental contact by the workman, shall be completely enclosed or shall be provided with channel guards having side flanges extending beyond the roots of the teeth.

2.13 Belts, Pulleys and Fly-wheels.

All belts, except conveyor belts, and all pulleys and fly-wheels shall have all of their parts which are less than seven (7) feet above a floor or other working platform, or runway, and which parts are not protected from accidental contact by workmen because of location, guarded by substantial enclosures or by a standard railing and toeboard which shall be so installed as to prevent workmen from approaching within a horizontal distance of eighteen (18) inches from such belt, pulley and fly-wheel. Enclosures required under this rule may be temporarily removed when starting the machine or for the purpose of adjustment or maintenance, but such enclosure shall be replaced immediately thereafter.

2.14 Other Power Driven Machines.

Power driven machines not specifically covered by these rules shall be constructed, installed and maintained in a substantial manner, and operated and installed so as to afford adequate protection.

2.15 Dust.

All operations on every construction site shall be so conducted as to prevent, by safe and effective means, the raising of dust in such quantities as to obstruct the vision or impair the health of workmen.

In the sand-blasting of buildings, adequate provision shall be made to collect the dust and prevent its spread.

In demolition work materials causing dusting shall be wetted down.

2.16 Sidewalk Sheds, Barricades and Other Protection.

2.16.1 C26-557.0 Protection of Sidewalks.

Whenever a structure is to be constructed to exceed forty feet in height above the curb or whenever a structure more than twenty-five feet in height above the lowest point of the curb, is to be demolished, unless the street is officially closed during the construction or demolition, the owner shall erect and maintain safeguards during the period, as defined below, of such work as follows:

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2.16.2 C26-557.0,1 Sidewalk Sheds Required.

(a) If the structure is to be erected to a height exceeding forty feet above the curb, or if the structure to be demolished is more than twenty-five feet in height above the curb, then if the horizontal distance from the structure to the inside edge of the sidewalk, or to the inside edge of a temporary sidewalk erected by permission of the local authority having jurisdiction, is equal to one-half or less of the height of the structure, a substantial sidewalk shed shall be constructed over the sidewalk or temporary sidewalk in front of the structure.

(b) Regardless of the horizontal distance from the structure to sidewalk or temporary sidewalk, sidewalk sheds of adequate dimensions shall be erected when building materials are being moved over the sidewalk by means of derrick, hoist, or chute. The extent of such sidewalk sheds shall be as required by the superintendent.

2.16.2.1 Whenever any material or debris is moved or shifted by means of a derrick, hoist, chute or similar device over any sidewalk, passageway or walkway, which is not barred or closed to the workmen or to the public, a sidewalk shed shall be constructed over such sidewalk, passageway or walkway as provided for in Rule 2.16.3, "Sidewalk Sheds."

2.16.3 C26-557.0,2 Design of Sidewalk Sheds.

(a) Sidewalk sheds, where required, shall extend the entire length of the sidewalk in front of the structure, except that where construction work or demolition work on a structure erected before January first, nineteen hundred thirty-eight, involves only a portion of the structure, the superintendent shall prescribe the extent of sidewalk shed protection required.

(b) Such sidewalk shed shall be capable of sustaining safely a minimum live load of one hundred fifty pounds per square foot, but if such sidewalk shed is used for overhead storage of material, it shall be capable of sustaining safely a minimum live load of three hundred pounds per square foot. The members of the sidewalk shed shall be so connected, and such adequate bracing, shall be provided as may be necessary to resist the displacement of members or the distortion of the framework. The deck of the shed shall be built tight and of ample width, and where deemed necessary by the superintendent, shall extend over the entire width of the sidewalk, except for clearances of two feet from the building line and one foot from the curb. Such shed may extend beyond the curb to such extent as may, on the recommendation of the superintendent, be approved by the local authority having jurisdiction. If posts supporting the deck of the shed are placed beyond the curb, such posts shall be protected from displacement.

2.16.3.1 Sidewalk sheds shall not be less than eight (8) feet in height in the clear.

2.16.4 C26-557.0,3 Protection of Ends and Sides of Sidewalk Sheds.

(a) The outer side and ends of the deck of the shed shall be provided with substantial railings and toe boards, except that, in connection with the demolition of a structure originally more than twenty-five feet in height, or in connection with the erection of a structure which is to exceed seventy-five feet in height, the outer side and ends of the deck of the shed shall be provided with a substantial vertical enclosure, at

least forty-two inches high, of boards, laid close, or of galvanized wire screen at least No. 16 steel wire gauge, and of a mesh which will reject a ball five-eighths of an inch in diameter. Temporary openings shall be permitted in the railing or enclosure for handling material.

(b) With the consent of the owners of the adjoining property, the deck and protective guards of the sidewalk shed shall be extended parallel with the curb at least five feet beyond the ends of the face of the structure, or a protection the full width of the shed extending upward at an angle of forty-five degrees from the ends of the deck and outward a horizontal distance of at least five feet beyond the ends of the face of the structure. Such sloping protection shall be constructed with substantial outriggers, bearing on and securely attached to the deck of the shed. The decking of this latter protection shall be of closely laid boards or galvanized wire screen of at least No. 16 steel wire gauge and with a mesh which will reject a five-eighths inch ball. When such sloping end protection is installed, it shall take the place of the railing or enclosure required at the ends of the shed deck.

2.16.5 C26-557.0,4 Pedestrian Passageways Under Sidewalk Sheds.

Adequate passageways on the sidewalk shall be provided for pedestrians. Unless the top deck of the sidewalk shed is built solidly against the face of the structure in such a manner that no material can fall on the sidewalk, the side of the sidewalk shed toward the structure shall be sealed in a substantial manner with wood or other suitable material to a minimum height of eight feet above the sidewalk, except for such sliding gates, or gates swinging inward, as may be necessary for the proper prosecution of the work.

2.16.6 C26-557.0,5 When Sidewalk Sheds Are to Be Erected.

(a) When a sidewalk shed is required in connection with the erection of a structure, the construction of the structure shall stop at forty feet above the curb, unless and until such sidewalk shed has been completed. Such shed shall remain in place until the structure is enclosed, sash is glazed above the second story, masonry is cleaned down and all outside handling of material above the second story is completed.

(b) When a sidewalk shed is required in connection with the demolition of a structure, such sidewalk shed shall be completed before performing any work of demolition.

2.16.7 C26-557.0,6 Lighting of Sidewalk Sheds.

The under side of the sidewalk shed shall have sufficient natural or artificial light to insure safety, which light shall be maintained at all times.

2.16.8 C26-557.0,7 Fences Permitted in Lieu of Sidewalk Sheds.

If the structure to be demolished is more than twenty-five feet high above the curb, or if the structure is to be erected to a height exceeding forty feet above the curb, and if the horizontal distance from the structure to the inside edge of the sidewalk or relocated temporary sidewalk is between one-half and three-quarters of the height of the structure, a shed shall be constructed over the sidewalk as described above, or, in place of such shed, a substantial fence shall be constructed along the inside edge of such sidewalk or relocated temporary sidewalk or along the inside edge of the roadway, if permission to close the sidewalk has been granted by the superintendent. Such fence may

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be constructed outside of the curb to such extent as may, on the recommendation of the superintendent, be approved by the borough president, but in any event, such fence at its ends shall be returned to within two feet of the building line. Such fence shall be at least six feet high of wood or other suitable material and shall be built solid for its entire length, except for such openings provided with sliding gates, or gates swinging inward, as may be necessary for the proper prosecution of the work.

2.16.9 C26-557.0.8. Railings Permitted in Lieu of Sidewalk Sheds or Fences.

(a) If the structure to be demolished is more than twenty-five feet high above the curb, or if the structure is to be erected to a height exceeding forty feet above the curb, and if the horizontal distance from the structure to the inside edge of the sidewalk or relocated temporary sidewalk is three-quarters of the height of the structure or more, a shed or fence shall be constructed as described above, or in place of such shed or fence, a substantial railing shall be constructed along the inside edge of such sidewalk or relocated temporary sidewalk, or along the inside edge of the roadway, if permission has been granted to close the sidewalk. Such railing at its ends shall be returned to within two feet of the building line and shall be continuous for its entire length, except for such openings, provided with movable bars as may be necessary for the proper prosecution of the work.

(b) At the discretion of the superintendent, thrustout platforms or other suitable protections may be substituted for sidewalk sheds, fences and railings during alterations or under other conditions which in his judgment permit of such substitution. It shall be unlawful to use such thrustout platforms or other protections for the storage of material.

C26-558.0 Foot Bridges—When a foot bridge is used to support the temporary sidewalk in front of a structure during construction or demolition, it shall be substantially built to sustain safely a minimum live load of one hundred fifty pounds per square foot. Such foot bridge shall be provided with hand-rails on both sides and shall be provided at both ends with substantial steps with hand-rails or with inclined ramps with hand-rails and with cleats to prevent slipping.

2.16.10 Sidewalk Sheds—When to Remove.

Sidewalk sheds shall remain in place until the structure is completed as provided in Rule 2.16.6 or in the case of demolished portions, until the building or structure has been razed to a point within the height of the shed.

2.16.11 C26-555.1 Protection of Floor Openings.

All floor openings within a building in the course of construction shall be enclosed or fenced in on all sides by a barrier of suitable height, except on those sides which may be used for the handling of materials hoisted through such openings, or at which stairs or ladders land; provided, that such sides, other than landings, shall be guarded by an adjustable barrier not less than three nor more than four feet from the floor and not less than two feet from the edge of such opening.

2.16.11.1 This requirement shall also apply to structures being repaired, altered or demolished. For additional requirement as to floor openings in buildings being demolished see Rule 6.15.

2.16.12 Danger Signs and Lights.

Every material pile, every obstruction to the public on a sidewalk or on a street, and every excavation or opening immediately adjacent to a street or public thoroughfare unless protected by a standard guard rail shall be indicated during daylight hours by red flags or signs placed at intervals of not more than twenty (20) feet. During twilight hours and during the night there shall be provided at such point where a sign or a flag is required, a red lantern, red light or an oil flare, which shall be kept burning from sundown to sunrise.

Danger signs shall also be provided when hoisting material over the sidewalk or street.

2.16.13 Slippery and Other Unsafe Conditions.

Every sidewalk, walkway, runway, passageway, stairway, scaffold, platform and every other working area shall be maintained free from ice, grease and other conditions which may render such surface slippery and dangerous. All such places shall be kept free from debris and shall be maintained in safe condition without obstructions which may constitute a tripping or falling hazard.

2.16.14 Illumination.

Every sidewalk, passageway, walkway, runway, stairway and every working area shall at all times during use be provided with natural or artificial illumination of not less than two (2) foot candle intensity measured at the floor or walking surface. See Appendix Table I.

2.16.15 Sizes and Stresses of Materials to Be Used Over All Protective Equipment.

Materials, sizes and stresses shall be as provided in Rule 7.2.

2.16.16 Protection of Trees.

No trees outside the building line shall be disturbed or removed without the permission of the Commissioner of Parks. Adequate protection of sufficient height shall be provided around the trunks of all trees on all street fronts of the construction site, as defined in Rule 1.7. No caustic or acid materials shall be mixed within ten feet of any tree.

2.17 Storage of Material and Equipment.

2.17.1 Building Material. Permit 82d 7-10.0a—The president of each borough shall have power to grant permits to builders to occupy not more than one-third of the roadway of any street with building material if, in his opinion, the interests and conveniences of the public will not suffer thereby. At the time of placing such material in the street, the permit, so granted shall forthwith be posted in a conspicuous space on or near the material and shall be kept there so as to be readily accessible to inspection.

Conditions 82d 7-10.0b—Such permits shall provide expressly that they are given upon condition that the sidewalks and gutters shall at all times be kept clear and unobstructed, and that all dirt and rubbish shall be promptly removed from time to time by the person obtaining such permit. All such permits may be revoked by the borough president, at pleasure.

Deposit 82d 7-10.0c—It shall be unlawful to grant any such permit to any builder unless, at the time such permit is granted, he shall have on deposit with the borough president the sum of fifty dollars as a guarantee that he will promptly comply with the conditions of all permits which may be so granted, including the prompt removal of all dirt and rubbish placed upon the street from time to time, and also for the prompt removal of any building material placed

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upon any street thereunder, after the expiration or revocation of any such permit. Each borough president is authorized and empowered to use so much of the moneys so deposited as may be required to effect the prompt removal of such dirt or rubbish as may, from time to time, be left upon the streets by the person making the deposit, and also for the purpose of removing any building material which may remain thereon, after the expiration or revocation of any permit under which it was so placed. In case any such deposit shall become impaired or exhausted, through use by a borough president in the removal of dirt, rubbish, or building material, the amount shall be made up immediately, to the sum of fifty dollars, on notice from the borough president, and, in default thereof, all permits theretofore issued to the builder failing to comply with such notice shall be revoked, and no permit shall be thereafter granted to him until such deposit be made good. Any builder may at any time withdraw his deposit if at the time he holds no unexpired permits and has fully complied with all the conditions of all such permits. Otherwise he shall be entitled only to withdraw and receive as much of the deposit as may remain unexpended after the provisions of this section, relative to the use of such money for the removal of dirt, rubbish or building material, as the case may be, have been carried into effect.

Restrictions 82d 7-10.0d—In a street upon which there is a railroad, materials shall not be placed nearer to the track than two (2) feet.

In no case shall building material be placed upon, nor shall mortar, cement or other material be mixed upon, the pavement of a street paved with asphalt, asphalt block or wood, except under a permit issued by the borough president having jurisdiction, which shall contain a provision that such pavement shall be protected by first laying planks thereon. Borough presidents, or other officers issuing permits to builders to use the streets, shall insert in each such permit a clause requiring compliance with this provision.

Unauthorized Obstructions 82d 7-10.0e—Whenever any wood, timber, stone, iron or other building material has been or shall be placed in or upon any street, without a permit, the borough president having jurisdiction shall forthwith cause the same to be taken up and removed.

2.17.2 All building material shall be stored in a safe and orderly manner, and so located that such piles of material do not obstruct any passageway, walkway, stairway, or sidewalk. Material or equipment shall not be stored upon a temporary or permanent floor in such quantity as to exceed the safe carrying capacity of the floor. Scaffolds and similar working platforms are not to be used as a storage space for material or equipment.

2.18 Storage and Disposal of Debris.

All debris, waste material and the like shall be stored as required under Rule 2.17. Broken glass and sharp metal objects shall be removed to a location which will eliminate the possibility of accidental contact by workmen. Boards, planks, and timbers, unless stored in a location remote from accidental contact by workmen, shall have all nails hammered down or removed.

2.18.1 Cellars may be permanently filled to grade with clean debris, such as mortar, plaster, brick, stone or other incombustible material that will not cause voids in the fill. (See Rule 3.12.)

2.19 Corrosive Substances.

All lime, acid, and other corrosive substances shall be so stored and so used as not to endanger the workmen or the public.

2.20 Employees' Welfare.

There shall be provided on every construction site a sufficient number of temporary water closets, chemical toilets, or privies at the rate of not less than one (1) unit for each 30 persons or fraction thereof.

There shall be provided in adequate locations a sufficient supply of faucets connected to the city mains for drinking water.

Facilities shall be provided to render first aid and an adequate first aid kit shall be kept in the job supervisor's office at all times. There shall be prominently posted in the job supervisor's office a list of doctors, phone number and the address of the nearest hospital.

Suitable approved protective equipment shall be provided for every employee engaged in operations hazardous to the eyes and head and all employees when so engaged shall be required to wear or use such equipment.

2.21 Life-lines, Safety-belts or Life-nets.

Where it is not practical to afford other means of protection as provided in these rules, life lines and safety belts shall be provided for workmen exposed to the danger of falling from locations where the combination of adequate footing and holding on with the hands does not exist, such as on steep roofs, narrow ledges, high parapets, skeleton beams, etc. However, this rule shall not apply to regular structural steel erectors, riggers, elevator constructors and those of similar trade whose work is of such nature that the use of such life line and safety belt would produce an additional hazard or where a life net safety barrier or other adequate protection has been provided for such workmen.

Every life-line, safety-belt or life-net shall be of an approved type and shall be inspected in accordance with Rule 2.1, "Inspection of devices and equipment" at least once each week.

2.22 Housekeeping.

Every sidewalk, stairway, passageway, ramp and similar walkway shall be kept free and clear from material, supplies and obstructions of every kind. Tools and materials shall not be strewn about on floors or platforms or in any working area.

Protruding nails and sharp projections shall be removed, hammered down, bent over, or otherwise guarded to prevent injury by accidental contact.

3.0 EXCAVATION OPERATIONS.

3.1 C26-383.0 Owner—The responsibility of affording any license referred to in section C26-383.0 through C26-390.0, and section C26-561.0 through C26-570.0, shall rest upon the owner but in case the tenant of any such owner fails or refuses to permit such owner to afford such license, such failure shall be a cause to the owner for dispossessing such tenant through proceedings provided in the civil practice act for recovering possession of real property. In case the duty devolves upon such owner to make his premises safe under any of the provisions of section C26-383.0 through C26-390.0 and sections C26-561.0 through C26-570.0, such owner shall have a like remedy against a tenant of a part of the premises.

3.2 C26-384.0a Excavations Affecting Adjoining Property—Temporary support of adjoining property. Any person causing any excavation to be made shall provide such sheet piling and bracing as may be necessary to prevent the earth of adjoining property from caving in before permanent supports have been provided for the sides of such excavation.

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3.3 C26-384.0b Permanent Support of Adjoining Property—Whenever provisions are lacking for the permanent support of the sides of an excavation in accordance with the provisions of section C26-563.0, a person causing such excavation to be made shall build a retaining wall at his own expense and on his own land. Such retaining wall shall be carried to a height sufficient to retain the adjoining earth, shall be properly coped and shall be provided with a substantial guard rail or fence four feet high.

3.4 C26-384.0c License to Enter Adjoining Premises—For the purposes of Rules 3.2 and 3.3, any person causing an excavation to be made shall be afforded the license necessary to enter the adjoining premises. If such license is not afforded, the owner of the adjoining premises shall have the responsibility of providing temporary and permanent support of his premises at his own expense, and for that purpose such owner shall be afforded the license necessary to enter the premises where such excavation is to be made.

3.5 Excavations Affecting Adjoining Structures.

3.5.1 C26-385.0a Excavations More Than Ten Feet Deep—Whenever an excavation is carried to a depth of more than ten feet below the curb, the person who causes such excavation to be made shall, if afforded the license necessary to enter the adjoining premises, at all times and at his own expense, preserve and protect from injury any structure the safety of which may be affected by such part of the excavation as extends more than ten feet below the curb, and such person shall support the adjoining structure by proper foundations, whether or not such structure is more than ten feet below the curb. If the necessary license is not afforded to the person causing the excavation to be made, it shall be the duty of the owner who fails to afford such license to make the structure safe, and to support such structure by proper foundations, and such owner shall, if it is necessary for such purpose, be afforded the license necessary to enter the premises where such excavation is to be made.

3.5.2 C26-385.0b Excavations Ten Feet or Less in Depth—The owner of any structure the safety of which may be affected by an excavation, shall preserve and protect such structure from injury and shall support such structure by proper foundations, except as otherwise provided in subdivision a of this section and shall, if it is necessary for such purpose, be afforded the license necessary to enter the premises where the excavation is to be made.

3.5.3 C26-385.0c Support of Party Walls—In case an adjoining party wall is intended to be used by the person who causes an excavation to be made, and such party wall is in good condition and sufficient for the uses of the existing and proposed buildings, such person shall, at his own expense, preserve such party wall from injury and support it by proper foundations, so that it shall be and remain practically as safe as it was before the excavation was commenced.

3.5.4 Weather Protection C26-385.0d—Where permission has been given under this section to any person to enter any adjoining structure, such person shall provide for such adjoining structure adequate protection against any danger of injury due to the elements which may result from such entry.

3.6 Conduct of Excavating Operations.

All excavation work in connection with the erection, repair, construction or alteration, of any build-

ing or structure shall be conducted in a thoroughly workmanlike and safe manner.

All equipment used in connection with excavation work shall be inspected, erected and maintained in safe working condition, during the entire time of the of the excavation work as provided in Rule 2.1.

3.7 C26-386.0 Structures Unsafe at Commencement of Excavation or Demolition—If the person who causes an excavation to be made or an existing structure to be demolished has reason to believe an adjoining structure is unsafe, such person shall forthwith report his belief in writing to the superintendent, who shall cause an inspection of such premises to be made, and if such structure is found unsafe, he shall declare such structure unsafe and shall cause it to be repaired as provided in sections C26-193.0 through C26-201.0.

3.8 C26-387.0 Physical Examination of Adjoining Property Prior to and During Excavation or Demolition—A license to enter upon adjoining property for the purpose of physical examination of such property, prior to the commencement and at reasonable periods, during the progress of the excavation or demolition, shall be afforded by the owner and tenants of such adjoining property to the person causing such excavation or demolition to be made.

3.9 C26-389.0 Protection at Excavations.

Guards or fences shall be provided along the open sides of excavations, except that, in the discretion of the superintendent, such guards or fences may be omitted from any side or sides other than such as are adjacent to streets or public passageways. Suitable means of exit from excavations shall be provided.

Railing, fence or solid enclosure shall not be less than forty-two (42) inches in height. Such portions of the railing as are adjacent to a public thoroughfare shall be provided with danger lights at night.

From every excavation there shall be provided at all times ladders, stairways or ramps to provide for the safe access to, and egress from, such excavation. Such ladders, stairways or ramps shall be in compliance with the requirements of Rule 7.0 relating to such means of access or egress and shall be installed in sufficient number and in such location as to be readily accessible. Such means of access or egress shall not be more than one hundred (100) feet from any point in the excavation.

3.10 Shoring, Bracing and Sheet-piling.

The sides of every open excavation five (5) feet or more in depth where the earth is not sloped to the angle of repose of the material and where because of the composition of the soil, climatic conditions, depth of excavation or construction operations there may be produced an unsafe condition, shall be securely held by adequate timber bracing. Bracing for trenches shall be at least as provided in Table A and Table B.

TABLE A
MINIMUM SIZES OF BRACING AND SHEET-PILING FOR NARROW TRENCHES
TRENCHES—Not more than four (4) feet in width.

Depth of trench in feet	—Sheet-piling—		—Stringers—		—Cross Bracing—	
	Size	Hori-zontal spacing	Size	Vertical spacing	Size	Hori-zontal spacing
(a) Hard and Solid Soil						
5'-10'	2x6	6 feet	2x6	6 feet	2x6	6 feet
10'-15'	2x6	4 feet	2x6	6 feet	2x6	5 feet
More than 15'	2x6	tight	4x8	4 feet	4x8	6 feet

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Depth of trench in feet	—Sheet-piling—		—Stringers—		—Cross Bracing—	
	Size	Hori- zontal spacing	Size	Vertical spacing	Size	Hori- zontal spacing
(b) Soil likely to crack or crumble						
5'-10'	2x6	3 feet	2x6	5 feet	2x6	5 feet
10'-15'	2x6	2 feet	2x6	4 feet	2x6	4 feet
More than 15'.	2x6	tight	4x10	4 feet	4x10	6 feet
(c) Soft, sandy, filled-in or loose Soil						
5'-10'	2x6	tight	4x6	6 feet	4x6	6 feet
10'-15'	2x6	tight	4x6	5 feet	4x6	6 feet
More than 15'.	2x6	tight	4x12	4 feet	4x12	6 feet
(d) Where Hydrostatic Pressure Exists						
To 10'	2x6	tight	6x8	4 feet	6x8	6 feet
More than 10'.	3x6	tight	6x10	4 feet	6x10	6 feet

Steel sheet-piling and bracing, of equivalent strength may be substituted for wood sheet-piling and timber bracing.

TABLE B
MINIMUM SIZES OF BRACING AND SHEET-PILING FOR WIDE TRENCHES
TRENCHES—Not more than eight (8) feet in width.

Depth of trench in feet	—Sheet-piling—		—Stringers—		—Cross Bracing—	
	Size	Hori- zontal spacing	Size	Vertical spacing	Size	Hori- zontal spacing
(a) Hard and Solid Soil						
5'-10'	2x6	6 feet	4x6	4 feet	4x6	6 feet
10'x20'	2x6	tight	6x6	4 feet	6x6	6 feet
More than 20'.	2x6	tight	6x8	4 feet	6x8	6 feet
(b) Soil likely to crack or crumble						
5'-10'	2x6	3 feet	4x6	4 feet	4x6	6 feet
10'-20'	2x6	tight	6x6	4 feet	6x6	6 feet
More than 20'.	2x6	tight	6x8	4 feet	6x8	6 feet
(c) Soft, sandy, filled-in or loose Soil						
5'-10'	2x6	tight	4x6	4 feet	4x6	6 feet
10'-20'	2x6	tight	6x6	4 feet	6x6	6 feet
More than 20'.	2x6	tight	6x8	4 feet	6x8	6 feet
(d) Where hydrostatic pressure exists						
To 10'	2x6	tight	6x8	4 feet	6x8	6 feet
More than 10'.	3x6	tight	8x10	4 feet	6x10	6 feet

Steel sheet-piling and bracing, of equivalent strength may be substituted for wood sheet-piling and timber bracing.

3.11 Placing of Construction Material.

Excavated material, building material and superimposed loads such as equipment, etc., shall not be placed closer to the edge of the excavation than a distance equal to $1\frac{1}{2}$ times the depth of such excavation, unless the sides of the excavation have been sheet-piled and shored to provide for such superimposed loads. Such sheet-piling shall extend above the natural level of the ground to a sufficient height to prevent any loose material from falling into the excavation.

3.12 C26-390.0 Abandoned Foundations—Safety and Protection.

Any abandoned foundation which shall become unsafe, menacing or dangerous to life or limb, shall be filled in, as the superintendent may require, with clean ashes, sand or earth or otherwise made safe and secure. (See Rule 2.18.1.)

4.0 ERECTION OF BUILDINGS AND STRUCTURES.

4.1 C26-178.0 Compliance With Plans, Laws and Regulations.

a. It shall be unlawful to construct any structure, or any plumbing, except in accordance with the approved detailed statement of specifications and plans, for which the permit was issued, or any approved amendment thereof. A certified copy of the approved plans shall be kept at all times on the premises from the commencement of the work to the completion thereof, except that this requirement may be waived by the superintendent where he deems compliance with it is unnecessary.

b. Permits for construction or equipment of a structure issued by the superintendent shall be deemed to incorporate the proviso that the applicant, his agent, employees or contractors shall use only approved materials, appliances and methods of construction and shall carry out the proposed work in accordance with the approved plans and with all requirements of this title and any other laws or regulations applicable thereto, whether specified or not.

4.2 C26-551.0 Loading of Structures During Construction or Demolition.

It shall be unlawful to load or cause to be loaded any structure, or any temporary support or scaffolding or any sidewalk or sidewalk shed or bridge or any device or equipment, during construction or demolition, in excess of its safe carrying capacity.

4.3 C26-161.0 Permits for Construction or Alteration.

a. Before the construction or alteration of any structure or any part of a structure, shall be commenced and before the construction or alteration of the plumbing of any structure or premises shall be commenced, the owner, or registered architect or licensed professional engineer employed by the owner, shall submit to the superintendent a statement in triplicate, on appropriate blanks furnished by the superintendent, describing the proposed work, and such computations, plans, and detail drawings as the superintendent may require. Such statement shall constitute an application for a permit. Such statement shall be accompanied by a further statement in writing, sworn to before a notary public or commissioner of deeds, giving the full name and residence of each of the owners of the structure, proposed structure or premises, and, except as otherwise herein provided in section C26-161.0 through C26-188.0, by a diagram of the lot or lots showing the established grade and the existing surface elevation of the street, if any, on which the construction is to be made, the exact location of any proposed new construction and of all existing structures that are to remain including information as to the occupancy of such structures.

b. In the case of an interior alteration or a minor exterior alteration to an existing structure the filing of a lot diagram shall not be required unless the superintendent deems it to be necessary because of special conditions.

c. In the case of minor alterations which do not involve a structural change and which in the opinion of the superintendent do not require the filing of plans, a statement describing such minor alterations shall be submitted to the superintendent on such form as he may designate.

d. When plans are required to be filed, and such plans contemplate structural changes or structural work affecting public health or safety, they shall be accompanied by an affidavit of a licensed architect or a licensed professional engineer stating that he has supervised the preparation of the plans and that to the best of his knowledge and belief the structure, if built in accordance with the plans, will

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conform to the Administrative Building Code and to the rules of the board, and will not conflict with any provision of the charter, the multiple dwelling law, the labor law, the general city law, the building zone resolution, or any other provision of law applicable thereto, except as specifically noted otherwise.

e. If a licensed professional engineer has been employed in the preparation of the structural or mechanical design, the structural or mechanical plans shall be accompanied by his affidavit stating that the structural or mechanical design drawings prepared under his supervision, to the best of his knowledge and belief, conform with the laws governing building construction, except as specifically noted otherwise.

f. If there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the law, the affidavit of the licensed architect or licensed professional engineer shall state the nature of such difficulties or hardships.

g. Before a permit is issued, the owner or his authorized agent shall furnish the commissioner with the name and address of the person who is to supervise the construction, in accordance with C26-187.0, with power of substitution upon written notice to the commissioner.

4.4 Conduct of Operations.

All work in connection with the erection, repair or alteration of any building or structure shall be conducted in a thoroughly workmanlike and safe manner.

All equipment used in connection with construction operations shall be provided, erected and maintained in safe working condition during the entire term of the construction, as provided in Rule 7.0, "Equipment".

4.5 Protection of Construction from Cold Weather.

4.5.1 Concrete.

It shall be unlawful to deposit concrete which has a temperature of less than 50° Fahrenheit. The concrete shall be maintained at a temperature of at least 50° Fahrenheit for at least 72 hours or until it has thoroughly hardened. C26-502.0, d. For high early strength cement concrete such temperature shall be maintained for not less than 24 hours.

Adequate equipment shall be provided for heating the concrete materials and protecting the concrete during freezing weather. The heat furnished during the curing period shall be saturated with moist vapor by means of pans of water used with salamanders or steam lines.

All concrete materials including reinforcing steel and forms shall be free from frost. The protection used during the curing shall remain in place and intact for a period of at least 24 hours after the artificial heating has been discontinued. The use of admixtures for the prevention of freezing shall not be permitted.

4.5.2 Masonry Protection During Freezing Weather.

Masonry shall be protected against freezing until such time as the setting of the cementing material has advanced far enough to prevent any displacement of such masonry. It shall be unlawful to use any frozen material or to build upon any frozen masonry or frozen soil. C26-414.0. All bricks and mortar material shall be protected from the elements and free of ice, and prior to use shall have all frost or ice removed. After the mortar has been mixed it shall be maintained at a temperature of not less than 35° Fahrenheit from the time it is mixed until it is placed in the masonry. All work shall be protected against freezing for a period of 48 hours by means of enclosures and artificial heat similar

to that as provided for in Rule 4.5.1 "Concrete". The use of admixtures for the prevention of freezing shall not be permitted.

4.5.3 Plastering in Freezing Weather.

When plastering is in progress and until such plastering has become thoroughly dry, the structure shall be enclosed and heated in freezing weather. C26-467.0, c. The enclosures and methods of heating and ventilating shall be as provided for in "Concrete" Rule 4.5.1 and "Salamanders", Rule 2.7.

4.6 Temporary Floors in Buildings in the Course of Construction.

4.6.1 Buildings or Structures or Skeleton Construction.

In buildings or structures of skeleton steel construction a temporary floor filling, or floor filling forms, except for temporary shaftway openings, shall be installed as the erection progresses and there shall be not more than eight (8) stories of erected steel above the uppermost floor filling.

A temporary plank floor shall be provided not less than two (2) tiers below the tier of beams on any skeleton steel structure, on which bolting, riveting, welding or painting is being done and at every other floor level at which the permanent floor filling or the floor filling forms have not been provided. Such temporary flooring shall cover the entire tier of beams, except for such spaces as are required for access to ladders and stairways and for hoisting purposes. The planks for such temporary floor shall be free from protruding nails and splinters and shall be not less than two (2) inches in thickness for a span of up to and including ten (10) feet. The planks shall be laid close together, supported on a solid bearing, and the ends over-lapped at least four (4) inches and securely fastened to the framework of the structure.

In buildings or structures having wood floor construction rough flooring shall be laid on each tier of joists as the structure progresses and the floor next below where any work is being performed shall be entirely floored over, except for such spaces as are required for access to ladders and stairways and for hoisting purposes. Such rough flooring shall consist of boards not less than seven-eighths ($\frac{7}{8}$) inch in thickness.

In non-fireproof buildings, where stair halls or floor areas are of fireproof construction, the floor arch forms shall be installed as the work progresses which shall be not more than two (2) stories below the story on which any brickwork or masonry is being erected.

4.7 Temporary Stairs.

In every building or structure, the permanent stairways shall be installed as soon as working conditions permit but when work on a building has progressed to a height of more than fifty (50) feet above grade and it is found impracticable to install permanent stairways, one temporary stairway extending from grade to the top of the structure, and continued up as the work progresses, shall be installed and shall remain in place until the permanent stairways shall have been completed. Such temporary stairs shall be in compliance with the requirements of Rules 2.4 and 7.11.

Where permanent or temporary stairways or suitable ramps or runways are not provided, ladders shall be provided to give access to all floors. Such ladders shall remain in place until the temporary or permanent stairs are provided and are ready for use.

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5.0 REPAIR AND ALTERATION OPERATIONS.

5.1 C26-193.0 Removal or Repair of Structures.

Any structure or part of a structure or premises that from any cause may at any time become dangerous or unsafe, structurally or as a fire hazard, shall be taken down and removed or made safe and secure. A vacant building unguarded or open at door or window shall be deemed dangerous or unsafe as a fire hazard within the meaning of this article.

5.2 C26-171.0 Ordinary Repairs Excepted from Permit Requirements.

a. Ordinary repairs to structures may be made without application or notice to the superintendent, but such repairs shall not include the cutting away of any wall or any portion thereof, the removal or cutting of any beams or supports, or the removal, change or closing of any stairway or required means of exit.

b. Ordinary repairs to the plumbing system may be made without application or notice to the superintendent, but such repairs shall not include addition to, or alteration, replacement or relocation of any standpipe piping, water distribution piping, house sewer, private sewer, or drainage system including leaders, or any soil, waste or vent pipe, or any gas distribution system.

5.3 Conduct of Repair and Alteration Operations.

All work in connection with the repair or alteration of a building or structure shall be conducted in a thoroughly workmanlike and safe manner. All equipment used in connection with repair and alteration operations shall be inspected as provided for in Rule 2.1, erected and maintained in good working condition during the entire time of the operations as provided in Rule 7.0. The operations to be performed shall be in accordance with the pertinent provisions of these rules.

6.0 DEMOLITION OPERATIONS.

6.1 C26-168.0 Notice to Demolish.

Before any structure or part of a structure is demolished, a statement in writing, on appropriate blanks to be furnished by the department, which shall constitute a notice to demolish, shall be submitted to the superintendent by the owner or any person authorized by the owner, giving the full name and residence of each of the owners of the structure to be demolished, the name and business address of the person who is to do the work and such other information respecting the structure as the superintendent may require. Such notice shall be submitted before the work of demolition is commenced and the superintendent shall issue a permit upon approval of such notice.

Where a building is to be partly demolished, the provisions of Sec. C26-161.0 shall be complied with.

6.2 Loading of Structures During Demolition.

Precautions to be observed in the loading of structures during demolition shall be in accordance with Rule 4.2.

Before any material is stored on any floor, the existing flooring adjacent to the bearing walls shall be removed and ends of floor beams in the bearing walls shall be carefully examined as to their condition and the amount of bearing on the bearing wall. If they are found to be in poor condition or with insufficient bearing, no material shall be deposited on the floor until these beams are shored from the cellar floor through each successive floor. No bearing partition shall be removed from any floor until the floor beams on the next floor above have been removed and lowered.

All header beams and headers at stair openings and chimneys shall be carefully examined and if

necessary shall be shored from the cellar floor through the successive floors.

6.3 Conduct of Demolition Operations.

All demolition operations and equipment in connection with the construction, erection, repair, alteration or razing of any building or structure shall be conducted in a thoroughly workmanlike and safe manner as provided in Rule 4.4.

6.4 Adjoining Building Protection.

6.4.1 Protection of Adjacent Structures.

Structures unsafe at commencement of excavation or demolition shall comply with requirements of Rules 3.7 and 3.8. No further demolition shall be performed at that point until an approval to continue such work has been issued by the superintendent.

6.4.2 C26-568.0 Protection of Party Walls During Demolition.

a. Party walls—When a structure containing a party wall is being demolished, the owner of the demolished structure shall, at his own expense, bend over the anchors at the beam ends in the standing wall and shall brick in all open beam holes.

b. Party wall fire escape balconies—No party wall balcony fire exit shall be demolished or removed when such demolition or removal will destroy the full effectiveness of such party wall balconies as means of egress, unless and until the owner of the structure from which the party wall balcony is to be removed has erected or legally obligates himself to erect on the structure to be deprived of a required means of egress, a legal fire escape meeting the requirements of the superintendent.

6.4.2.1 All beams in party walls shall be cut off close to the walls and stub ends removed without weakening masonry and beam pockets cleaned of loose mortar, and bricked up and bonded into the wall with sound brick and cement mortar. Tee anchors shall be provided on each sixth floor beam or sixth roof beam, except that the Borough Superintendent may require closer spacing of such anchors when required for the safety of these walls. Roofing material of adjoining buildings shall be bent over and flashed. All door or other openings in party walls shall be adequately sealed. Cornices where cut shall be properly sealed. Parapet and front and rear walls where disturbed shall be pointed up and made weather tight. All exposed furring, lath and plaster on party walls shall be removed. Roofs, skylights and flues of adjoining buildings shall be protected from damage from demolition by the demolition contractor provided he is granted the necessary license to enter the adjoining premises for that purpose.

6.5 Removal of Gas, Electric and Water Service.

6.5.1 All gas, electric, water, steam and other supply lines shall be shut off and capped as required by the Dept. of Water, Gas & Electricity, before starting demolition, except that where it is necessary to maintain any power, water, gas or electric lines during demolition, such lines shall be protected as required by the Department of Water Supply, Gas and Electricity.

6.5.2 C26-553.0 Sewer Connections to be Sealed.

b. When a structure which has connections with a sewer is demolished, all sewer connections shall be sealed off in a manner satisfactory to the borough president.

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6.6 Precautions before Commencing Demolition.

Before demolition is started, the cellar shall be thoroughly cleaned of combustible material and all fixtures and equipment which would cause voids in the fill removed.

If the cellar is to be filled to grade, the existing cellar floor shall be broken up to provide ground drainage and prevent accumulation of water. If the cellar is not to be filled, adequate cellar drainage shall be provided.

6.7 Removal of Glass.

Before the commencement of the actual demolition, all glass in windows, doors, skylights and glazed windows and glass in furnishings shall be removed.

6.8 Boarding of Windows and Exterior Wall Openings.

Every window or other opening in the exterior walls of any structure more than twenty-five (25) feet in height, unless such window or opening is so located as to preclude the possibility of injury to any person by material which may fall from such window or opening, shall be boarded up or otherwise substantially covered.

6.9 Access to Floors.

There shall be provided at all times, safe access to and egress from every building in course of demolition by means of unobstructed hallways, stairways or ladder runs so enclosed or so located as to protect the persons using them from falling materials.

Access to any floor, except the top or working floor, of any building in the course of demolition shall be closed off unless the floor above is intact and all vertical openings are enclosed by a tight enclosure of not less than two (2) inch planking.

6.10 Demolition of Walls.

Demolition shall proceed in an orderly manner and the work on the upper stories shall be completed before any of the supporting structural members on the lower stories are disturbed. Sections of masonry walls shall not be loosened or permitted to fall in such masses upon the floors of the building as to exceed the safe carrying capacity of such floors.

No wall, chimney or other structural part shall be left in such condition that it may topple over due to wind, vibration or any other cause.

6.11 Mechanical Method of Demolition.

The mechanical method of demolition, whereby the wrecking of a building or part thereof, is accomplished by smashing the walls or floors with a heavy weight suspended by a cable from a boom or hoist, or whereby the walls are collapsed by the use of a power shovel, tractor or other mechanical contrivance, shall be permitted only in accordance with the following requirements.

a. The building or structure or remaining portion thereof shall be not more than eighty (80) feet in height.

b. The zone of demolition as applied to a specific demolition operation shall be that area determined by the Superintendent.

c. Unless permitted by the Superintendent, such method shall not be used where any building occupied by one or more persons is located within the zone of demolition.

d. Such method shall not be used where access may be had to any space within the zone of demolition by persons other than the workmen performing demolition operations.

e. Workmen performing demolition operations may enter buildings or spaces within the zone of demolition but such workmen, however, shall not be permitted on or within the structure being demolished nor shall such workmen, expecting the operating crew, be permitted within the zone of demolition

while the mechanical device as above described is in actual operation.

f. Fences constructed in compliance with Rule 2.16.8 shall be erected to prevent persons other than workmen from entering the zone as established by the Superintendent.

g. The controls of mechanical devices used in such method of demolition shall be located and operated a safe and reasonable distance from the point of demolition.

h. Where a swinging weight is used the supporting cables shall be of such length or shall be so restrained that it is not possible for the weight to swing against any structure other than the structure being demolished.

i. The Superintendent may modify the requirements of this rule, if in his opinion circumstances of a specific operation warrant a modification and may impose greater restrictions and protective measures.

6.12 Demolition of Structural Steel and Heavy Timbers.

Steel construction and heavy timber construction shall be demolished column length by column length and tier by tier. Every structural member which is being dismembered shall not be under any load other than its own weight and such member shall be chained or lashed in place to prevent any uncontrolled swinging or dropping. Large structural members shall not be thrown or dropped from the building. However, when permitted by the superintendent, such members shall be slowly and carefully lowered by hoists equipped with adequate brakes and non-reversing safety devices.

6.13 Demolition of Floor Arches.

Before demolishing any floor arch, debris and other material shall be removed from the arch and from the surrounding floor area within a distance of twenty (20) feet from such arch. Planks not less than 2 x 9 in cross-section shall be laid close together with a span not more than 10 ft. for the workmen to stand on while breaking down floor arches between beams. Such planks shall be so located as to provide a safe support for the workmen should the arch between the beams collapse.

6.14 Removal of Material.

Debris, bricks and other material shall be removed: (a) by means of chutes constructed in compliance with Rule 7.26 "Chutes"; (b) by means of buckets or hoists; or (c) through openings in the floors of the building in compliance with Rule 6.15 "Floor Openings".

6.15 Floor Openings.

The aggregate area of openings in any floor of a building in the course of demolition shall not exceed twenty-five (25) per cent of the entire floor area of such floor. The person in charge of demolition operations shall provide sheet-piling, shoring, bracing or such other means as may be necessary to insure the stability of the walls and to prevent any wall from collapsing due to the pressure of the accumulated material.

Every opening used for the removal of debris in every floor to which access is permitted, except the top or working floor, shall be provided with a tight enclosure equivalent to that afforded by planking not less than two (2) inches in thickness otherwise no person shall be permitted access to within a horizontal distance of twenty (20) feet from any opening above through which debris is being dropped.

Every opening not used for the removal of debris in any floor to which access is permitted shall be protected by a tight enclosure as herein prescribed, or by a guard rail or railing or shall be solidly planked over.

Openings in the top or working floor more than

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sixteen (16) inches in least dimension shall be protected on all sides, except the side at which debris is deposited, by a guard rail or railing, or the sides of the opening shall be roped off at a distance of not less than two (2) feet from the edge of the opening by not less than a one-half ($\frac{1}{2}$) inch diameter rope securely tied to provide a guard of a height equivalent to that provided by the railing.

Wherever men are employed in any work on a wall and a floor opening on the working floor is located immediately below the point at which such men are working there shall be provided a tight flooring not less than five (5) feet in width immediately adjacent to such wall.

6.16 Demolition Requiring Scaffolds.

Whenever workmen are engaged in the removal of any part of the building or structure, which part is more than twelve (12) feet above a floor, platform or the ground, there shall be provided for such workmen suitable scaffolds constructed in accordance with Rule 7.3 "Scaffolds" or life-lines and safety-belts, or life-nets in accordance with Rule 2.21 "Life-lines, Safety-belts or Life-nets".

6.17 C26-559.0 Catch Platforms.

a. During the demolition of the exterior walls of a structure, originally more than seventy feet in height, catch platforms shall be erected along the street fronts and over public passageways. Such catch platforms shall be erected and maintained not more than three stories or 35 feet below the story from which the exterior walls are being removed until such demolition has progressed to within three stories of the ground level. They shall be constructed of planking laid close without openings between the planks or between the plank and the wall. The outside edge of the platforms shall be at least five feet horizontally from the wall of the structure and shall be higher than the inside edge. The supports shall consist of yellow pine or spruce outriggers three inches by twelve inches, placed on edge, and secured against turning, spaced not more than ten feet apart. Each outrigger shall have ample bearing on the structure and the inside end shall be adequately secured. The planking shall be at least two inches thick. Plank shall lap the supports at least one foot at each end or shall be secured to the supports to prevent displacement.

b. A fence of galvanized wire netting of at least No. 18 steel wire gauge and with mesh which will reject a ball five-eighths of an inch in diameter or of one inch boards laid close shall be provided along the outer edge and ends of the catch platform. Such fence shall be supported by substantial posts not more than ten feet apart, shall be pitched outward at an angle of approximately forty-five degrees from the horizontal and shall be at least forty-six inches high, measured along the slope of the fence above the planking of the catch platform with which the fencing shall make a tight connection.

c. Catch platforms may be constructed of other materials and following other designs, if they provide strength and security from falling material equal to that provided by the details specified above, and are approved by the superintendent.

d. It shall be unlawful to use catch platforms for the storage of materials.

6.18 Storage of Material.

Material shall not be stored on catch platforms, working platforms, floors or stairways of the building to be demolished, except that any one floor of a building may be used for the temporary storage of material when such floor is of such strength as to safely support the load to be super-imposed. Storage spaces shall not interfere with access to any stairway or passageway and suitable barricades shall be provided so as to prevent material from sliding

or rebounding into any space used by the workmen or the public. All material shall be safely piled in such locations as will not interfere with any work nor present any hazard.

6.19 Burning at Site.

No debris shall be burned at the site unless permits therefor are obtained from the Department having jurisdiction.

7.0 EQUIPMENT.

7.1 Responsibility of Employees and Other Persons for Protection of the Public and Workmen.

Where men are working on a scaffold with other men engaged above, the scaffold shall have a tight overhead covering of planking not less than two (2) inches in thickness or other material equivalent in strength and suitability as a protection to the men working on the scaffold. Where the type of work involved would render it hazardous and in lieu thereof may permit the catch platform at a higher level.

Runways or ladders shall be erected to platforms of scaffolds five (5) feet or more in height.

Every scaffold platform ten (10) feet or more above the ground or a floor, except platforms covering the entire floor space of a room within a building or the platforms of needle beam scaffolds or platforms on which the men working thereon are provided with life-lines and safety-belts in compliance with Rule 2.21 "Life-lines and Safety-belts or Life-nets", shall be provided with a guard rail and a toeboard.

The guard rail may be of wood not less than 2" x 3" in cross-section, or other material of equal strength, properly secured at intervals of not more than ten (10) feet. The guard rail shall be not less than thirty-four (34) inches above the platform of the scaffold and shall extend the entire length of the scaffold. A toeboard not less than 1" x 8" in cross-section shall be provided or the space between the guard rail and the platform may be enclosed with a wire screen composed of not less than No. 18 Steel Wire Gauge with a one-half ($\frac{1}{2}$) inch mesh.

7.2 Materials.

7.2.1 C26-556.0 Sizes and Stresses of Materials Used for Protection of the Public and Workmen

—a. The sizes mentioned in this article are minimum requirements, except that lumber sizes are nominal or commercial sizes before dressing. Where wood is specified in this article, members of iron, steel or other material of equivalent strength, rigidity and suitability may be substituted.

b. Where sizes are not specifically mentioned in this article, the equipment and safeguards when of a temporary nature and not subjected to serious shock may be designed using such stresses as may be approved by the superintendent, but at most thirty-three percent above the stresses provided in this title for similar material when used in permanent structures.

7.2.2 Lumber and Timber—All lumber and timber used for the construction of ladders, scaffolds, ramps, runways, railing and other safeguards, except where otherwise required in these rules shall be either Red, White or Sitka Spruce; Douglas Fir; Norway Pine; West Coast Hemlock or other woods equivalent in strength and suitability. All lumber and timber shall be sound and shall not contain defects such as ring shakes, large or loose knots or other defects which may materially impair the strength of the piece for the purpose for which it is to be used. Where sectional dimensions of lum-

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ber are given, lumber of different sectional dimensions may be used, if equivalent in strength and suitability.

Except for the dimensions of material given in Rule 7.6 "Ladders", which are actual dimensions, all dimensions for lumber and timber in these Rules are nominal or trade dimensions.

All lumber and timber shall be fastened at the various joints with sufficient nails or bolts of a suitable size to produce a secure joint, capable of withstanding the required load to be superimposed on same. Refer to Table II, Size and Number of Nails.

7.3 Scaffolds.

7.3.1 C26-555.0 Construction and Maintenance of Equipment and Safeguards—All devices or equipment which are used in connection with the performance of work and regulated by this article, shall be constructed, installed and maintained in a substantial manner and so operated as to give proper protection to persons and shall not be removed, altered, weakened, or rendered inoperative so long as they are needed or in use, except as provided in Section C26-553.0, unless so ordered by a person in responsible charge of the operation.

7.3.2 Erection of Scaffolds—Only skilled workmen shall be employed in the erection or dismantling of scaffolds. They shall work under the supervision of a competent superintendent or foreman who shall take such precautions as may be necessary to insure safety.

Every scaffold damaged or weakened from any cause shall be immediately repaired and workmen shall not be permitted to use the scaffold until such repairs have been completed. No scaffold shall be altered or removed while it is in use. Precautions shall be taken so that no material shall be delivered or stored upon a scaffold to such an extent as to overload or subject the scaffold to loads which it is not capable of supporting.

Barrels, boxes, piles of brick or stone or other unstable objects or material shall not be used for the support of scaffolds or the planking of scaffolds.

7.4 Wood Scaffolds—All lumber used in the construction of scaffolds shall be of spruce, Douglas fir, long-leaf yellow pine, Oregon pine or other species of equivalent strength and durability. The material shall be sound; straight grained; free from cross grain, shakes, large, loose or dead knots or other defects which may impair its strength or durability.

All nails used in the construction of scaffolds, stages and supports shall be of ample size and length and used in sufficient quantities at each connection to fully develop the strength of each member in compliance with Rule 7.2.2 "Lumber and Timber." All nails shall be driven full length.

7.5 Pole Scaffold Requirements—Scaffold poles shall be plumb and shall foot on a foundation equivalent to that offered by planking not less than nine (9) inches in width and two (2) inches in thickness. The footing shall be secured against any lateral movement.

Where poles are spliced with wood cleats, the squared end of the upper section shall rest upon the squared end of the lower section and the two ends shall be fastened rigidly together with not less than two (2) wood cleats each not less than three (3) feet in length. The cleats shall be placed at right angles to each other and shall overlap the abutting ends of the pole equally and the combined sectional area of the cleats shall be not less than fifty (50) per cent of the cross sectional area of the pole.

A put-log shall be located adjacent to each pole and shall be nailed or otherwise securely fastened to the pole or to the ledger on which it rests.

Pole scaffolds shall be firmly and adequately braced in such a manner as to preclude swaying or swinging away from the building. Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall. Diagonal bracing shall be so installed that every spliced section of every pole is connected with the adjacent poles.

Planking shall be laid with the edges close together so that the platform will be tight with no spaces through which tools or fragments of material may fall, except that on interior scaffolds, the platforms of which cover the entire room area, there may be provided a two (2) inch space between planking for ventilation purposes.

Where planks are butt end to end, parallel put-logs or bearers shall be provided not more than eight (8) inches apart so that one put-log or bearer will support the end of one plank and the other put-log or bearer, the end of the other plank.

Where platform planks over-lap, the ends of both the upper and lower planks shall over-lap the put-log or bearer by at least six (6) inches. Planking shall project over the end put-log not less than six (6) inches but not more than eighteen (18) inches. Inclined platform planking shall be nailed at each bearing.

When a new working level is desired, the old platform shall be left undisturbed until the new working level is framed. As the platform level is abandoned with the progress of the work, the bearers, put-logs and ledgers upon which the platform previously rested shall not be removed but shall be left in place to brace and stiffen the poles.

7.5.1 Single Pole Scaffolds—Before any wood scaffold more than eighty (80) feet in height is erected, plans showing the design and the sizes of all structural members of such scaffold shall be submitted to the borough superintendent for his approval.

Every single pole scaffold shall be constructed with members of a size not less than that given in Table C, "Minimum Size and Maximum Spacing of Members of Single Pole Scaffolds."

TABLE C

MINIMUM SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS

No. 1 LIGHT DUTY SCAFFOLDS

Type of use	Light duty				
Uniformly distributed load	Not to exceed 25 lbs. per sq. ft.				
Max. height of scaffold..	20'	40'	60'	80'	
				Top 60'	Lower Sect.
Poles or uprights (min.)	2x4	3x4	4x4	4x4	4x6
Pole foundation (min.).	2x9				
Max. pole spacing (longitudinal)	10'-0"				
Max. width of scaffold.	5'-0"				
Bearers or putlogs (min.)	3x4 or 2x6 (on edge)				
Ledgers (minimum):					
With 1 1/4" plank	1 1/4x9 (on edge)				
With 2" plank	1x6 (on edge)				

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Type of use	Light duty
Vertical spacing of ledgers (max.)	7'-0"
Non-supporting stringers	1x4
Tie-ins	1x4
Bracing	1x4
Planking:	
Not more than 6' span	1½x9
More than 6' span....	2x9
Toeboards	1x8
Guard rails	2x4

TABLE C
MINIMUM SIZE AND MAXIMUM SPACING OF
MEMBERS OF SINGLE POLE SCAFFOLDS
No. 2 REGULAR DUTY SCAFFOLDS

Type of use	Regular duty				
Uniformly distributed load	Not to exceed 50 lbs. per sq. ft.				
Max. height of scaffold..	20'	40'	60'	80'	
				Top 60'	Lower Sect.
Poles or uprights (min.)	3x4 or 2x6	4x4	4x6	4x6	6x6
Pole foundation (min.)..	2x9				
Max. pole spacing (longi- tudinal)	10'-0"				
Max. width of scaffold.	5'-0"		8'-0"		
Bearers or putlogs (min.)	3x4 or 2x8 (on edge)		3x5 or 2x9 (on edge)		
Max. spacing of bearers or putlogs	6'-0"				
Ledgers (minimum) ...	2x9 (on edge)				
Vertical spacing of ledg- ers (max.)	9'-0"				
Non-supporting stringers	1x6 or 1¼x4				
Tie-ins	1x6				
Bracing	1x6				
Planking	2x9				
Toeboards	2x9				
Guard rails	2x4				
Between Toeboard and Guard Rail ½" wire mesh composed of No. 18 Steel Wire Gauge.					

TABLE C
MINIMUM SIZE AND MAXIMUM SPACING OF
MEMBERS OF SINGLE POLE SCAFFOLDS
No. 3 HEAVY DUTY SCAFFOLDS

• Type of use	Heavy duty				
Uniformly distributed load	Not to exceed 75 lbs. per sq. ft.				
Max. height of scaffold.	20'	40'	60'	80'	
				Top 60'	Lower Sect.
Poles or uprights (min.)	3x4 or 2x6	4x4	4x6	4x6	6x6
Pole foundation (min.).	2x9				
Max. pole spacing (longitudinal)	6'-0"				
Max. width of scaffold..	5'-0"		8'-0"		
Bearers or putlogs (min.)	3x5		3x6 or 2x9 (on edge)		
Ledgers (min.)	2x9 (on edge)				
Vertical spacing of ledgers (max.)	6'-6"				
Non-supporting stringers	2x4				
Tie-ins	1x6				
Bracing	1x6				
Planking	2x9				
Toeboards	2x9				
Guard rails	2x4				

Ledgers shall not be spliced between poles but shall over-lap the poles by at least four (4) inches. When put-logs or bearers are used and the ledgers are lapped, bearing-blocks shall be nailed to the poles to support the ledger.

All put-logs shall be set with the greater dimension vertical and shall be long enough to project beyond the outer edge of the poles by at least twelve (12) inches. Put-logs shall be supported on the ledger and located against the sides of the poles and nailed to either the pole or the ledger. The other end of the put-log shall rest in the wall of the building with at least a four (4) inch bearing and shall not be notched or cut down, except in "light duty" scaffolds.

Diagonal bracing shall be provided for the entire outside face of the scaffold.

7.5.2 Independent Pole Scaffolds—Before any wood scaffold more than eighty (80) feet in height is erected, plans showing the design and the sizes of all structural members of such scaffold shall be submitted to the borough superintendent for his approval.

Every independent pole scaffold shall be constructed with members of a size not less than that given in Table D, "Minimum Size Maximum Spacing of Members of Independent Pole Scaffolds."

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Ledgers shall not be spliced between poles but shall over-lap the poles by at least four (4) inches. When put-logs or bearers are used and the ledgers are lapped, bearing blocks shall be nailed to the pole to support the ledger.

Bearers shall be set with their greater dimensions vertical and long enough to project over the ledgers beyond the outer row of poles by at least twelve (12) inches and beyond the inner row of poles by at least two (2) inches. Bearers shall be supported on the ledgers and located against the sides of the poles and nailed to the poles.

Diagonal bracing shall be provided for the entire outside face of the scaffold and for the entire inside face, except that on working levels such diagonal bracing on the inside face may be omitted.

Free standing independent pole scaffolds shall have a minimum base dimension of not less than twenty-five (25) per cent of the height of the scaffold.

TABLE D

MINIMUM SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS

No. 1 LIGHT DUTY SCAFFOLDS

Type of use	Light duty				
Uniformly distributed load	Not to exceed 25 lbs. per sq. ft.				
Max. height of scaffold.	20'	40'	60'	80'	
				Top 60'	Lower Sect.
Poles or uprights (min.)	2x4	3x4 or 2x6	4x4	4x4	4x6
Pole foundation (min.)	2x9				
Max. pole spacing (longitudinal):					
With 1½x9 ledgers...	6'-0"				
With 2x9 ledgers.....	10'-0"				
Max. pole spacing (transverse)	10'-0"				
Ledgers (minimum) ...	1½x9 (on edge)				
Vertical spacing of ledgers (max.)	7'-0"				
Bearers (minimum) ...	1½x9 (on edge)				
Non-supporting stringers	1x4				
Bracing	1x4				
Planking:					
Not more than 6' span.	1½x9				
More than 6' span....	2x9				
Toeboards	1x8				
Guard rails	2x4				

TABLE D

MINIMUM SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS

No. 2 REGULAR DUTY SCAFFOLDS

Type of use	Regular duty				
Uniformly distributed load	Not to exceed 50 lbs. per sq. ft.				
Max. height of scaffold.	20'	40'	60'	80'	
				Top 60'	Lower Sect.
Poles or uprights (min.)	3x4 or 2x6	4x4	4x6	4x6	6x6
Pole foundation (min.)	2x9				
Max. pole spacing (longitudinal)	10'-0"				
Max. pole spacing (transverse)	10'-0"				
Ledgers (minimum) ...	2x9 (on edge)				
Vertical spacing of ledgers	6'-0"				
Bearers (minimum) ...	2x9 (on edge)				
Non-supporting stringers	1¼x4 or 1x6				
Bracing	1x6				
Planking:					
Not more than 6' span.	1¼x9				
More than 6' span....	2x9				
Toeboards	2x9				
Guard rails	2x4				
Between toeboard and guard rail ½" wire mesh composed of No. 18 Steel Wire Gauge.					

TABLE D

MINIMUM SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS

No. 3 HEAVY DUTY SCAFFOLDS

Type of use	Heavy duty				
Uniformly distributed load	Not to exceed 75 lbs. per sq. ft.				
Max. height of scaffold.	20'	40'	60'	80'	
				Top 60'	Lower Sect.
Poles or uprights (min.)	4x4	4x4	4x6	4x6	6x6
Pole foundation (min.)	2x9				

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Type of use	Heavy duty
Max. pole spacing (longitudinal)	6'-0"
Max. pole spacing (transverse)	10'-0"
Ledgers (minimum) ...	2x9 (on edge)
Vertical spacing of ledgers	4'-6"
Bearers (minimum)	2x9 (on edge)
Non-supporting stringers	1½x9
Bracing	1x6
Planking	2x9
Toeboards	2x9
Guard rails	2x4

7.5.3 Outrigger Scaffolds.

Outrigger scaffolds shall have heavy timber outriggers not less than 3 inches x 10 inches set on edge projecting through the wall or window opening not more than six (6) feet from the face of the building, with the inner end extending into the building and securely fastened in place and braced to prevent tipping or turning. Outriggers shall be spaced not more than ten (10) feet on centers. The platform shall be constructed of planks not less than 2 inches x 9 inches securely nailed to the outriggers and laid tight except that a three (3) inch gap along the wall of the building may be permitted. The ends of the planks shall not project more than eighteen (18) inches beyond the outrigger.

Every outrigger scaffold shall be provided with a standard railing and toeboard. Rule 7.13. The uprights for the standard railing shall be securely braced to the outrigger. The space between the toeboard and the railing shall be filled in with a wire screen composed of not less than No. 18 Steel Wire Gauge with a one-half (½) inch mesh.

7.5.4 Swinging Scaffolds.

The platform of every swinging scaffold shall be not less than twenty (20) inches nor more than thirty (30) inches in width. Each end of the platform shall be supported by a steel or iron stirrup or hanger formed to support the platform and shall have a loop to support the guard rail and a loop or eye at the top for securing the supporting hook on the block. The hanger or stirrup shall be placed not less than six (6) inches nor more than eighteen (18) inches from the end of the platform.

The guard rails shall be of wood not less than 2 x 3 in. cross-section or of other material of such size and shape as to provide equivalent strength and rigidity. The guard rail shall be not less than thirty-four (34) inches nor more than forty-eight (48) inches above the platform, shall be properly supported at intervals of not more than ten (10) feet and shall extend for the full length of the platform. A toeboard not less than 1 x 4 in. cross-section shall be provided on the outside edge of the platform.

The supporting hooks or roof-irons shall be of steel or wrought iron not less than seven-eighths (7/8) inch in diameter, or the equivalent, and shall be securely anchored during use. Plow steel cable not less than one-half (½) inch in diameter or the equivalent shall connect the upper block to the supporting hook or roof iron.

Where rope is used for the support of swinging scaffolds, it shall be not less than three-quarters (¾) inch in diameter, first quality unspliced Manila rope, or its equivalent in strength and suitability. Rope suspended scaffolds shall not be permitted for or near any work where acid is used or where the upper block is more than one hundred (100) feet above the platform. Rope suspended swinging scaffolds shall be limited to light duty use.

Every swinging scaffold, the platform of which is more than one hundred (100) feet below the upper supporting block, shall be equipped with an approved device to raise, lower and hold the scaffold in position.

All ropes, cable, blocks, slings, hangers and other supporting parts shall be capable of safely sustaining the loads to which they will be subjected with a factor of safety of four (4).

All ropes, slings and cable shall be tested after every installation and before any workman is permitted on the scaffold and every ten (10) days thereafter if the scaffold is in use continuously. A record of such test shall be kept, such record to specify the time and place of the test.

The platforms of swinging scaffolds shall be lashed or secured to hold them in position and to prevent their swaying from the building. Rollers or fenders may be used to prevent the scaffold from marring the face of the building.

Two (2) or more swinging scaffolds shall not be combined into one (1) by bridging the distance between them with planks or with any other form of construction. Not more than two (2) men shall be permitted to work on any swinging scaffold at any one time.

The platform of every swinging scaffold shall be one of the three following types: (1) the ladder type, consisting of boards upon a horizontal ladder the sides of which are parallel, (2) the plank type, consisting of planks supported on the stirrups or hangers, or (3) the beam type, consisting of longitudinal side stringers, with cross beams set on edge and spaced not more than four (4) feet apart on which the longitudinal platform planks are laid.

7.5.5 Ladder Type Platforms—Type 1.

The side stringers of the horizontal supporting ladder shall be of clear spruce or other material equivalent in strength and durability. The rungs shall be of straight grained oak, ash or hickory not less than one and one-eighth (1⅛) inches in diameter with seven-eighths (7/8) inch tenons mortised into the side stringers at least seven-eighths (7/8) of an inch. The stringers shall be tied together with tie rods not less than one-quarter (¼) inch in diameter located not more than five (5) feet apart passing through the stringers and riveted up tight against washers at both ends.

The platform shall be of sufficient width to fill the space between the sides of the ladder and shall be securely fastened to the hangers by U-bolts passing around the hangers and bolted up tight or by other equivalent means. The ladder type platform shall be constructed in accordance with the schedule listed in Table E, "Schedule for Ladder Type Platforms."

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TABLE E

SCHEDULE OR LADDER TYPE PLATFORMS

	LENGTH OF PLATFORM				
	15'-0"	16'-0"	18'-0"	20'-0"	24'-0"
Width (max.)	30"	30"	30"	30"	30"
Cross-section of side stringers (min.)					
(a) at ends (ins.)	1 $\frac{7}{8}$ x2 $\frac{3}{4}$	1 $\frac{7}{8}$ x2 $\frac{3}{4}$	1 $\frac{7}{8}$ x3	1 $\frac{7}{8}$ x3	1 $\frac{7}{8}$ x3
(b) at middle (ins.)	1 $\frac{7}{8}$ x3 $\frac{3}{4}$	1 $\frac{7}{8}$ x3 $\frac{3}{4}$	1 $\frac{7}{8}$ x4	1 $\frac{7}{8}$ x4	1 $\frac{7}{8}$ x4 $\frac{1}{2}$
Rungs (min.)					
(a) number	10	11	12	13	16
(b) diameter (ins.)	1 $\frac{1}{8}$	1 $\frac{1}{8}$	1 $\frac{1}{8}$	1 $\frac{1}{8}$	1 $\frac{1}{8}$
Tie Rods (min.)					
(a) number	4	4	4	4	5
(b) diameter (ins.)	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$
Flooring (ins.) (min.)	$\frac{1}{2}$ x3	$\frac{1}{2}$ x3	$\frac{1}{2}$ x3	$\frac{1}{2}$ x3	$\frac{1}{2}$ x3

7.5.6 Plank Type Platforms—Type 2.

Plank platforms shall be composed of planks of uniform thickness and such planks shall be not less than two (2) inches in thickness and eight (8) inches in width. The planks shall extend not less than six (6) inches nor more than eighteen (18) inches beyond the supporting hangers and a bar shall be nailed across the platform on the underside at each end to prevent the platform from slipping off the hanger. Where two (2) or more planks are used they shall be fastened together by cleats not less than 1 inch x 6 inches nailed on the underside at intervals of not more than four (4) feet. Planks shall not be spliced. The clear span of the platform planks between supports shall not exceed ten (10) feet.

7.5.7 Beam Type Platforms—Type 3.

Beam platforms shall have side stringers of straight grained lumber not less than 2 inches x 6 inches set on edge. The stringers shall be supported on the stirrups or hangers and the clear span between hangers shall not exceed sixteen (16) feet. The ends of the stringers shall extend beyond the hangers not less than six (6) inches nor more than eighteen (18) inches and shall be bolted to the hangers by U-bolts passing around the hangers and bolted to the stringers.

The platform shall be supported on 2 inch x 6 inch cross beams cut in between the side stringers, securely nailed thereto, and spaced not more than four (4) feet on centers. The platform shall be framed of material not less than 1 inch x 6 inches nailed tight together and extended to the outside face of the stringers. The ends of all platform boards shall rest on the cross beams and shall be securely nailed.

7.5.8 Suspended Scaffolds.

Suspended scaffolds shall be equipped with an approved hoisting machine of either the platform or overhead type securely fastened either to the bearers or to the outrigger as the design warrants. The outrigger shall be equivalent in strength to a standard 7-inch 15.3 lb. steel I-beam; shall be not less than fifteen (15) feet in length and shall be securely anchored to the

building by U-bolts and anchor plates or by beam-clamp connections or by other equally effective methods. The outrigger shall project not more than six (6) feet, six (6) inches beyond the bearing point unless the outriggers are doubled or increased in size proportionally. The spacing between outriggers shall not exceed ten (10) feet.

Outriggers shall be set with the web in a vertical position and the platforms shall be supported by steel wire cables not less than one-half ($\frac{1}{2}$) inch in diameter which shall be securely fastened to the outriggers by steel shackles or by other equally effective means. The other ends of the steel suspension cables shall be securely attached to the hoisting machines.

The shackles supporting the outside cable of every suspended scaffold shall be placed not more than six (6) feet from the bearing of the outrigger and the shackles supporting the inner cable shall be placed not more than two (2) feet beyond the bearing point of the outrigger.

The platforms shall be limited to eight (8) feet in width. The platform plank shall be not less than one and one-quarter ($1\frac{1}{4}$) inches in thickness for a six (6) foot span or two (2) inches in thickness for a ten (10) foot span. Such planking shall be laid tight; shall be securely fastened to the bearers and shall overlap the supporting bearers at each end of the scaffold by not more than eighteen (18) inches. Each platform bearer shall be of steel equivalent in strength to that offered by a pair of 2 x 2 x 3/16 standard angles.

The outside edge of the platform shall be protected by a guard rail and railing as provided for in Rule 7.13. The space between the toe-board and the railing shall be filled with wire netting formed of No. 18 Steel Wire Gauge with a one-half ($\frac{1}{2}$) inch mesh.

An overhead protection shall be provided for all suspended scaffolds. This overhead protection shall consist of planking not less than two (2) inches in thickness, placed at a height of not more than ten (10) feet above the working platform and maintained at all times while men are at work on the scaffold.

Substantial strap-iron hooks or other effective means shall be employed to prevent the scaffold from swaying away from the structure.

7.5.9 Horse Scaffolds.

Horse Scaffolds shall be limited to three (3) tiers of horses or a total height of not more than fourteen (14) feet. Horses shall be made of sound, straight-grained material, rigidly braced, having members of a size not less than those given in the following schedule:

Members	Dimensions
Horizontal member or bearer.....	3" x 4"
Legs	1 $\frac{1}{4}$ " x 4 $\frac{1}{4}$ "
Longitudinal Braces	1 $\frac{1}{4}$ " x 4"
Half diagonal Braces.....	1 $\frac{1}{4}$ " x 2 $\frac{1}{4}$ "

All horse scaffolds shall be set on substantial and level foundations equivalent to that afforded by planking not less than two (2) inches in thickness. Horses shall be spaced not more than six (6) feet apart for heavy duty scaffolds, not more than eight (8) feet apart for regular duty scaffolds, and not more than ten (10) feet apart for light duty scaffolds. Planks shall be laid with their edges close together and so arranged that the planks cannot tip or cause the horses to spread.

Where successive rows of horses are used, each horse shall be placed directly over the horse in

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the tier below. On all horse scaffolds more than one (1) row in height, the planks shall be nailed to the horses and the legs of the horses shall be nailed to the planks on which they rest.

Where horse scaffolds are erected on an outrigger scaffold platform, the platform shall be of sufficient width to permit the horses to stand squarely upon it. Every horse erected on an outrigger scaffold shall be directly above the outrigger and shall have its legs nailed to the platform plank and the planking forming the platforms shall be nailed to the backs of the horses.

7.5.10 Carpenters' Bracket Scaffolds.

Carpenters' bracket scaffolds shall be limited to light duty use and shall be constructed of triangular framed portable brackets and platforms of planks. The brackets shall be of metal or of straight-grained dressed material not less than 2 inch x 3 inch mortised together and bolted. The supporting bolt shall be not less than five-eighths ($\frac{5}{8}$) inch in diameter, securely fastened to the bracket, and of sufficient length to extend well inside the studs and shall be provided with a washer and a lever handle nut. The bracket shall be erected by passing the bolt through a 2 inch x 6 inch timber laid horizontally across the inside of two (2) studs and then tightening the bolt by means of the lever handle nut.

The platform shall be not less than twenty (20) inches in width and shall be composed of planking not less than two (2) inches in thickness laid tight together and overlapping the bracket by not less than six (6) inches nor more than eighteen (18) inches. Brackets shall be placed not more than nine (9) feet apart. The brackets shall have their supporting bolts or hooks near the top of the bracket.

7.5.11 Bricklayers' Square Scaffolds.

Bricklayers' square scaffolds shall not be used as heavy duty scaffolds and shall be composed of framed wood squares or jacks constructed of clear material. The squares shall not be larger than five (5) feet wide and five (5) feet high and the minimum size of members shall be not less than those specified in the following schedule:

Members	Dimensions
Bearers or horizontal members....	2" x 6"
Legs	2" x 6"
Braces at corners.....	1" x 6"
Braces diagonally from center frame	1" x 8"

The squares or jacks shall be braced on both sides of each corner with 1 inch x 6 inch bracing-pieces cut in the form of a triangle. The squares shall have braces 1 inch x 8 inches in size on both sides running from the center of each member to the center of the adjacent member.

The squares shall be set not more than five (5) feet apart for heavy duty scaffolds nor more than eight (8) feet apart for light duty scaffolds. 1 inch x 8 inch bracing extending from the bottom of one square to the top of the next adjacent square shall be provided on both the front and rear sides of the scaffold. Bricklayer's square scaffolds shall be limited in height to three (3) tiers or fifteen (15) feet.

Platform planks shall be not less than two (2) inches in thickness. The ends of the planks shall overlap on the back of the squares and each plank shall be supported by not less than three (3) squares. Planks shall overlap the

squares by not less than six (6) inches and not more than six (6) inches. Square scaffolds when built up in rows shall be so constructed that the squares shall be directly one above the other. The upper rows shall stand on continuous rows of planks laid across the next lower rows and nailed down and cleated on the under side of the supporting square to prevent the movement of the planks or the swaying of the scaffold. The scaffold shall be set up on a level and unyielding foundation equivalent to that offered by 2 inch x 9 inch planking.

7.5.12 Needle Beam Scaffolds.

Needle beam scaffolds shall be used only for the support of men doing riveting, plastering, pointing and other similar work and shall not be used for the storage of any materials. The needle beams shall be not less than 4 inches x 6 inches in size with the greater dimension vertical and shall be of one length and provided with intermediate supports or hangers. Ropes used for the support of needle beams shall be first class Manila fibre not less than one (1) inch in diameter and attached to the needle beams by a "square hitch" which shall be so tied as to prevent the needle beam from rolling or otherwise becoming displaced. Provision shall be made to prevent the rope from slipping off the end of the beam.

Where the span between the needle beams is ten (10) feet or less the platform planks shall be not less than two (2) inches in thickness and shall be increased in thickness as the span is increased. Platform planks shall be not less than two (2) feet longer than the span between needle beams. Platforms shall be not less than four (4) planks in width or more than six (6) feet wide.

Where needle beam scaffolds are used where one beam is higher than the other or where the planks are not level, the platform shall be secured against slipping.

7.5.13 Boatswain's Chair.

Boatswain's chairs shall be attached by means of a sling to a suspension rope or cable, securely fastened to an overhead fixed object or passed through an overhead block securely fastened, with the free end attached to a fixed and easily accessible object and the chair raised or lowered as necessary by the workman with or without the aid of helpers. The chair itself shall have a seat not less than two (2) feet long by ten (10) inches wide and two (2) inches in thickness. Cleats shall be substantially secured to each end of the seat.

7.5.14 Ladder Jack Scaffolds.

All ladder jack scaffolds shall be limited to light duty use and shall be of an approved type and shall be clamped or otherwise securely fastened to the ladder and shall be so designed that the loads on the planking shall be transmitted through the jack and to the side rails of the ladder and not through the rungs. Ladder jack scaffolds shall be limited in height to twenty (20) feet above grade or a permanent floor.

All ladders used in conjunction with ladder jacks shall be designed and constructed in accordance with the requirements of Rule 7.6 "Ladders." Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with approved devices, as to prevent slipping.

Platform planks shall be not less than two (2) inches in thickness and shall overlap the bearing surface by not less than twelve (12) inches.

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The span between supports shall be limited to ten (10) feet.

Not more than two (2) persons shall be permitted to occupy any ladder jack scaffold at any one time.

7.5.15 Window Jack Scaffolds.

All window jacks shall be of an approved type and shall be used only for the purpose of working at the window opening through which the jack is placed. Window jacks shall be constructed to sustain a working load of not less than two hundred (200) pounds with a factor of safety of four (4) and not more than one person shall be permitted on a window jack scaffold at any one time.

Window jacks shall not be used as the supporting element of scaffolds or other devices and the placing of planks between one window jack and the jack of an adjacent window shall be prohibited.

Window jack scaffolds shall be limited to light duty use and shall be provided with a protective rail unless safety belts as required by Rule 2.2.1, "Life-lines, Safety-belts or Life-nets," shall be provided for the workmen.

7.5.16 Roofing Brackets.

Roofing brackets shall be triangular in shape; the diagonal member sloped to fit the pitch of the roof and the horizontal member level to support the platform. Roofing brackets shall be securely supported by means of ropes of first class Manilla grade not less than three-fourths ($\frac{3}{4}$) inch in diameter passing over the ridgepole of the building, or by nails of adequate size, or by means of pointed projectors driven their full length into the frame of the roof.

Where roofing brackets are used on roofs which are more than twenty (20) feet from the ground to the eaves, and where such roof lacks a parapet and has a slope greater than three (3) inches in one (1) foot, a substantial scaffold platform shall be provided within two (2) feet of the eaves and of sufficient width to extend at least two (2) feet beyond the projection of the eaves. Such platform shall be equipped with a guard rail but as an alternative to the installation of such a platform each man working on the roof shall be provided with a life-line in accordance with the requirements of Rule 2.2.1 "Life-lines, Safety-belts or Life-nets."

7.5.17 Crawling Boards or Chicken Ladders

Crawling boards or chicken ladders shall not be less than eight (8) inches in width and not less than one (1) inch in thickness and shall be provided with nailed cross-strips or cleats not less than 1 inch x $1\frac{1}{2}$ inches and as long as the width of the board itself. The board shall be laid on the roof so that its length extends from the ridgepole to the eaves and the upper end shall be securely fastened to the ridge with hooks, cleats or equivalent means.

When crawling boards are used on roofs where the pitch is more than three (3) inches in one (1) foot, catch platforms or life-lines as required in Rule 7.5.16, "Roofing Brackets" shall be provided.

7.5.18 Metal Scaffolds and Equipment.

The manufacturers of any type of metal scaffold and equipment which has been in successful use or the adequacy of which has been shown by test, shall have the right to present the data on which their design is based, to the Board for special consideration. The Board shall investigate the data so submitted and shall consider issuing an approval setting forth the conditions under which it may be used.

7.6 Ladders.

7.6.1 Requirements.

Except where either permanent or temporary stairways or suitable ramps or runways are provided, ladders shall be used to give access to all floors and to all platforms or scaffolds where work is being performed five (5) feet or more above the ground or above a permanent or temporary floor. Such ladders shall be left in place until the permanent or temporary stairways are completed and ready for use.

7.6.2 Side Rails.

Ladders shall have parallel or spreading side rails constructed of Eastern or Sitka spruce, oak, Douglas fir or material equivalent in strength and durability. Side rails shall be made of thoroughly seasoned material free from shakes, cross breaks, checks over six (6) inches in length or more than one-half ($\frac{1}{2}$) inch deep, decay or other weakening defects. Side rails shall be dressed on all sides, shall be free from splinters, and all sharp edges shall be rounded. The cross grain in wood side rails shall not exceed a slope of one (1) in twelve (12).

Knots shall not appear in the narrow faces of side rails. In the side face of side rails, knots shall not exceed one-half ($\frac{1}{2}$) inch in diameter and shall not be closer than one-half ($\frac{1}{2}$) inch to the edge of the side rail.

7.6.3 Rungs, Steps or Cleats.

Rungs, steps or cleats shall be made of white ash, oak, hickory or other thoroughly seasoned material and free from shakes, pitch pockets, injurious checks, knots, decay or other defects. The cross grain in rungs, cleats and treads shall not exceed a slope of one (1) in fifteen (15).

A uniform step spacing shall be used which shall not exceed fourteen (14) inches.

Wood rungs shall be inserted in holes bored in the side rails which holes shall extend through the side rails or to within three-sixteenths ($\frac{3}{16}$) inch of the outside face of the rail. All holes for rungs shall be located on the center line of the side face of the side rails and the size of the holes shall be such as to insure a driving fit for the rung.

Wood treads shall be equal in width to the depth of the side rails and shall be inserted into the side rails not less than three-sixteenths ($\frac{3}{16}$) inch, fastened thereto by nails or screws, and further secured by braces, bolts, tie rods or the equivalent. Wood cleats shall be not less than $\frac{3}{4}$ x 3 inches in cross-section and shall be housed into the side rails not less than one-half ($\frac{1}{2}$) inch and nailed to each rail with two (2) 10d wire nails or the equivalent.

7.6.4 Single Ladders.

Portable single or straight ladders shall be limited to thirty (30) feet in length.

The width between side rails at the base shall be not less than twelve (12) inches for ladders up to and including twelve (12) feet in length and for longer ladders this width shall be increased not less than one-quarter ($\frac{1}{4}$) inch for each additional foot of length.

Single or straight ladders shall be provided with treads, rungs or cleats in accordance with the requirements of Rule 7.6.3 "Rungs, Steps or Cleats."

The minimum dimensions of members of single or straight ladders shall be as specified in Table G, "Schedules for Single or Straight Ladders."

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TABLE G
SCHEDULES FOR SINGLE OR
STRAIGHT LADDERS
No. 1—CONSTRUCTION OR
BUILDERS' LADDERS

Length of Side Rail (feet)	Minimum dimensions of Side Rails (inches)			
	At bottom		At top	
	Thickness	Depth	Thickness	Depth
Up to and incl. 12'.....	1½"	2¾"	1⅜"	2¼"
Over 12' to and incl. 18'..	1⅝"	3"	1⅜"	2¾"
Over 18' to and incl. 22'..	1¾"	3¼"	1½"	2¾"
Over 22' to and incl. 30'..	1⅞"	3⅝"	1⅝"	3"

No. 2—RECTANGULAR LADDERS

Length of Side Rail (feet)	Minimum Dimensions of Side Rails	
	Thickness (inches)	Depth (inches)
Up to and incl. 19'.....	1⅝"	2½"
Over 19' to and incl. 23'..	1⅝"	2⅝"
Over 23' to and incl. 25'..	1⅝"	2¾"
Over 25' to and incl. 27'..	1¾"	2¾"
Over 27' to and incl. 30'..	1¾"	2⅞"

NOTE: The end depth at the top shall be not less than 2¼" and the thickness at the top end not less than 1⅝".

No. 3—CLEAT LADDERS

Length of Side Rail (feet)	Minimum Dimensions of Side Rails	
	Thickness (inches)	Depth (inches)
Up to and incl. 19'.....	1⅝"	3⅝"
Over 19' up to and incl. 30'	1⅝"	5⅝"

7.6.5 Extension Ladders.

Every extension ladder shall be composed of not more than three (3) sections. The fully extended working length of the ladder shall not exceed fifty-five (55) feet.

Every extension ladder shall be equipped with metal guides and a metal shackle and pulley. Each slide section of every extension ladder shall be raised and lowered by means of a rope and pulley and shall be equipped with two (2) automatic locks of an approved type.

The minimum dimensions of the members of extension ladders shall be as specified in Table H, "Schedule for Extension Ladders."

TABLE H
SCHEDULE FOR EXTENSION LADDERS

Full extended length of ladder (feet)	Minimum dimensions of side rails		Min. lap (feet)	Minimum distance between side rails at bottom (inches)
	Thickness (inches)	Depth (inches)		
Up to and incl. 19'.....	1⅝"	2½"	3'	14½"
Over 19' up to and incl. 23'	1⅝"	2⅝"	3'	14½"
Over 23' up to and incl. 25'	1⅝"	2¾"	3'	15"
Over 25' up to and incl. 27'	1¾"	2¾"	3'	15"
Over 27' up to and incl. 30'	1¾"	2⅞"	3'	16"
Over 30' up to and incl. 33'	1⅝"	3"	3'	16"
Over 33' up to and incl. 38'	1⅝"	3¼"	3'	17"
Over 38' up to and incl. 42'	1⅝"	3½"	4'	17"
Over 42' up to and incl. 45'	1½"	3½"	4'	18"
Over 45' up to and incl. 52'	1⅝"	3¾"	5'	18"
Over 52' up to and incl. 55'	1¾"	3¾"	5'	18"

*For a three-section extension ladder each lap may be four (4) feet.

7.6.6 Sectional Ladders.

The fully extended working length of every sectional ladder shall be limited to thirty (30) feet. The minimum dimensions of side rails shall be not less than the following:

Length of Ladder (in feet)	Side Rail	
	Thickness (inches)	Depth (inches)
Up to and incl. 21'.....	1⅝"	2¾"
Over 21' to and incl. 30'	1⅝"	3⅝"

Every connection joint of every sectional ladder shall be not less than one (1) foot and shall provide a good fit without binding or unnecessary play. The grooved ends of the sections shall be reinforced with a metal plate, of not less than No. 18 U. S. Gauge properly secured thereto, and a rivet above the groove extending through the depth of the rail. Every sectional ladder shall be provided with rungs in accordance with the requirements of Rule 7.6.3, "Rungs, Steps or Cleats."

7.6.7 Step Ladders.

Step ladders shall be limited to twenty (20) feet in length (of side rail). Every step ladder shall have members of a size and section of not less than the following:

Length of Side Rail (in feet)	Side Rail	
	Thickness (inches)	Depth (inches)
Up to and incl. 10'....	25/32"	2¾"
Over 10' to and incl 12'	25/32"	3"
Over 12' to and incl. 16'	25/32"	3¼"
Over 16' to and incl. 20'	1"	3¼"

NOTE: Where the tread gain or step inset is more than ⅛" the size of the side rail shall be increased proportionally.

The minimum width between side rails inside to inside at the top step shall be not less than twelve (12) inches, with an increase in width toward the bottom of not less than one (1) inch for each foot of ladder length.

Every step ladder shall be so constructed that in the open position all treads or steps are level. The front section shall have a minimum slope of three and one-half (3½) inches and the back section a minimum slope of two (2) inches for each foot of side rail length.

A locking device or spreader to hold the front and back sections of the ladder in the open position shall be an integral part of every step ladder. Metal hinges shall join the front and rear sections of every step ladder at the top.

The steps shall be treads or rungs in compliance with Rule 7.6.3, "Rungs, Steps or Cleats." Rungs or lateral cross bracing shall be used to stiffen the back section and where the back section is not provided with steps or rungs but is rigidly braced, the depth of the side rail of the rear section may be one (1) inch less than that given in the above schedule.

7.6.8 Trestle Ladders.

Trestle ladders shall be limited to twenty (20) feet in length (of side rail). Extension trestle ladders shall be limited to a total height of twenty (20) feet.

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The dimensions of side rails of trestle ladders and the bases of extension trestle ladders shall be not less than the following:

Length of Side Rails (feet)	Minimum Thickness (inches)	Minimum Depth (inches)
Up to and incl. 12'....	1 5/16"	2 1/2"
Over 12' to and incl. 16'	1 5/16"	2 3/4"
Over 16' to and incl. 20'	1 5/16"	3 1/4"

The dimensions of side rails of the extension section shall be not less than the following:

Length of Side Rails (feet)	Minimum Thickness (inches)	Minimum Depth (inches)
Up to and incl. 12'....	1 5/16"	2 1/2"
Over 12'	1 5/16"	2 3/4"

The distance between side rails of trestle ladders shall be not less than twelve (12) inches. The spread of the side rails for trestle ladders, and for the bases of extension trestle ladders shall be not less than one (1) inch per foot of length of ladder. The extension sections shall have parallel side rails.

Trestle ladders and the base sections of extension trestle ladders shall be so spread that the length of the trestle base at the bottom, inside to inside, is not less than five and one-half (5 1/2) inches per foot of length of ladder.

Substantial metal hinges shall join the front and back sections of every trestle ladder at the top, and a locking device or spreader to hold the ladder in an open position shall be a component part of each ladder.

An approved locking device shall be used to attach and secure the extension ladder to the trestle base.

When extension trestle ladders are used in connection with a scaffold all component parts of the scaffold shall be securely and rigidly braced.

7.6.9 Use of Ladders.

Every portable ladder when in use shall be inclined to such a pitch that the horizontal distance from the base of the ladder to the point of support is not less than one-fourth (1/4) the length of the ladder, unless both the upper and lower ends of the ladder are securely fastened to a rigid and permanent support.

Ladders shall be maintained in good condition at all times. The joint between the steps and side rails shall be tight; all hardware and footings shall be securely attached, and the moving parts shall operate freely without binding or undue play. Portable ladders shall be so placed that the side rails have a secure footing. The top rests for ladders shall be reasonably rigid and shall have ample strength to support the applied load.

Ladders shall not be spliced together to provide a longer ladder. Ladders shall not be placed on boxes, barrels or other unstable objects to obtain additional height, but shall rest on firm and level surfaces to prevent slipping or overturning.

Every ladder more than fifteen (15) feet in length shall, during use, be securely lashed to some stationary object or held in place by a workman. Every ladder, except free-standing step ladders and trestle ladders, shall be equipped with approved non-slip shoes or bases or

otherwise adequately secured or placed to prevent slipping.

Side rails of ladders shall extend not less than forty-two (42) inches above the floor, platform or landing which they serve. Every ladder which serves a floor, platform or landing shall be securely fastened both at the top and at the bottom so that it cannot move in any direction.

Ladders shall not be used in lieu of scaffolds and only such work shall be performed by a workman on a ladder as will permit said workman to maintain a secure hand-grip on the ladder with one hand; except that a ladder may be used for performing such work as may be performed through the rungs of the ladder. Ladders shall be smooth and free from projecting nails, splinters and slivers.

7.7 Runways and Ramps.

Runways and ramps shall be substantially constructed and securely braced and supported. Runways and ramps for the use of vehicles shall have a width of not less than twelve (12) feet and shall be provided with timber curbs not less than 8 inches x 8 inches placed parallel to, and secured to, the sides of the runway or ramp. The planking shall be not less than three (3) inches in thickness.

Runways and ramps for the use of workmen shall be not less than eighteen (18) inches in width and shall be constructed of planking not less than two (2) inches in thickness, substantially supported and braced to prevent excessive spring or deflection.

Planking for runways and ramps shall be laid close and shall be butt joined and securely nailed.

Runways or ramps for the use of workmen and located more than seven (7) feet above a floor or platform shall be provided on the open sides with a standard railing and toeboard in compliance with the requirements of Rule 7.13, "Standard Railing and Toeboard." Runways used for wheel-barrows, hand-carts or hand-trucks shall be not less than thirty-six (36) inches in width.

Ramps shall have a slope not exceeding one (1) in four (4) and the total rise of a continuous ramp shall not exceed twelve (12) feet, unless broken by horizontal landings at least four (4) feet in length. If the slope is greater than one (1) in eight (8), the ramp shall be provided with cleats spaced not more than fourteen (14) inches apart and securely fastened to the planking to afford a foot-hold. Spaces in the cleats may be provided for the passage of the wheels of vehicles.

7.8 Platforms.

Platforms used as working areas, or for the unloading of wheel-barrows, hand-trucks or carts, shall have a floor of planking not less than two (2) inches in thickness. Platforms used for trucks shall have planking not less than three (3) inches in thickness.

Every platform more than ten (10) feet above the ground or above a floor shall be provided with a guard rail and railing, in compliance with Rule 7.13, "Guard Rail and Railing," except that the side of a platform used for the loading or unloading of vehicles may be protected by a timber curb not less than 8 inches x 8 inches for heavy vehicles or 4 inches x 4 inches for wheel-barrows and hand-trucks in lieu of such standard railing and toeboard.

7.9 Elevated Walkways.

Elevated walkways used for passage from place to place by workmen shall be constructed in compliance with the requirements of Rule 7.7, "Runways and Ramps."

7.10 Floor Openings.

Every floor opening shall be guarded by a Standard Railing and Toeboard in compliance with Rule 7.13,

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"Guard Rail and Railing," or as an alternative, the openings may be planked over with planks laid close, and such planking shall be not less than two (2) inches in thickness.

Wherever railings or planking have been temporarily omitted or removed to permit the installation of work or the handling of material, such railings or planking shall be promptly and properly replaced in position upon the ceasing of such work or the handling of such material.

7.11 Stairways.

Where a building has progressed to the extent that floor conditions permit the installation of the permanent stairways but where it has not been practicable to install such permanent stairways, there shall be installed at least one temporary stairway for the entire height of the structure, which stairway shall be continued up as the work progresses and shall remain in place until the permanent stairways shall have been installed.

Such temporary stairways shall have treads of not less than 2 inch x 10 inch plank and stringers of not less than 2 inch x 10 inch plank. Temporary stairways shall be not less than three (3) feet in width and shall be substantially constructed and rigidly braced. Stairways more than five (5) feet in width shall be provided with an intermediate stringer.

Stairways with steel treads and landings which are to be afterward filled in with concrete or other tread surfacing, shall be provided with temporary wooden treads carefully fitted in place and extending to the edge of the metal nosing and over the full width of the treads and landings. Skeleton iron stairs shall have wooden treads not less than two (2) inches in thickness.

All treads and landings shall be free from protruding nails, debris or other materials.

The stairwells of temporary wooden stairways and permanent stairways on which the enclosure or guard rail has not been erected shall be provided on all open sides with a standard railing and toeboard in compliance with Rule 7.13, "Standard Railing and Toeboard."

Temporary stairs shall have an unbroken vertical rise of not more than twelve (12) feet. Every stairway shall be provided with handrails not less than thirty (30) inches nor more than forty (40) inches high, measured vertically from the tread to the top of the rail.

7.12 Catch Platforms.

Catch platforms shall be constructed as provided for in Rule 6.17.

7.13 Guard Rail and Railing; Standard Railing and Toeboard.

A guard rail shall be a wood or metal railing not less than thirty-six (36) inches or more than forty-eight (48) inches in height and shall be provided with an intermediate rail midway between the top rail and the floor, constructed in a substantial manner, smooth, and free from protruding nails, splinters, or slivers. The uprights shall be not less than 2 inches x 4 inches, or the equivalent, spaced not more than eight (8) feet apart. The top rail shall be not less than 2 inches x 4 inches, or the equivalent, and the mid-rail not less than 1 inch x 4 inches.

A guard rail, if of wood, shall be not less than 1 inch x 6 inches. The railing shall be installed on edge, securely fastened to uprights spaced not more than eight (8) feet apart, and so installed that no open space exists between the floor and the toeboard and that the clear height from the floor level to the top edge of the railing is not less than five (5) inches. Such barriers shall not be placed closer than two (2) feet of any opening. See Rule 2.16.11.

A standard railing shall be a wood or metal railing not less than thirty-six (36) inches or more than forty-eight (48) inches in height and shall be provided with an intermediate rail midway between the top rail and the floor, constructed in a substantial manner, smooth, and free from protruding nails, splinters, or slivers. The uprights shall be not less than 2" x 4", or the equivalent, spaced not more than eight (8) feet apart. The top rail shall be not less than 2" x 4", or the equivalent, and the mid-rail not less than 1" x 4".

A standard toeboard, if of wood, shall be not less than 1" x 6". The toeboard shall be installed on edge, securely fastened to uprights spaced not more than eight (8) feet apart, and so installed that no open space exists between the floor and the toeboard and that the clear height from the floor level to the top edge of the toeboard is not less than five (5) inches.

7.14 Use of Elevators.

Every temporary elevator car used for carrying workmen shall have the hoistway, in which it travels, completely enclosed for its entire height and all openings into such hoistway shall be protected with self-latching or manually latched doors locked on the hoistway side. Controls shall be so arranged that the car cannot travel while car door is open.

The car shall be enclosed on all sides and the entrance shall be provided with a door or gate which must be closed before the car can be put in motion. The top of each elevator car shall be provided with a strong and substantial cover openable from the inside of the car.

The elevator machinery and controls shall be housed as a protection against accidents and the weather and the entrance kept locked against unauthorized entrance.

In all other respects the construction and use of elevators shall comply with the requirements of the Administrative Building Code.

7.15 Hoistways.

At least two (2) sides of every material hoistway within any building or structure shall be enclosed at each floor for the full story height with wire netting of not less than No. 18 Steel Wire Gauge with a one-half ($\frac{1}{2}$) inch mesh or with other material affording equivalent strength and protection, and secured to uprights so spaced as to provide a strong and substantial enclosure. The enclosure shall extend not less than two (2) feet in front of the hoistway unless the entrances to the hoistway are protected by gates.

All openings into the hoistway shall be protected by hinged or pivoted bars not less than 2 inches x 4 inches in cross section, placed at a height of not less than three (3) feet nor more than four (4) feet above the floor and located not closer than two (2) feet from the hoistway. In lieu of such shaftway bars and the extension of the hoistway enclosure to two (2) feet beyond the end of the hoistway openings, substantial gates shall be installed within four (4) inches of the face of the hoistway. Such gates shall have a maximum space between slats of two (2) inches and shall be so constructed that the top shall be not less than five and one-half ($5\frac{1}{2}$) feet above the floor and the bottom not more than two (2) inches above the floor. Where bars alone are used for protection, a standard toeboard shall be installed on every open side whenever material is not being handled from that side.

Hoistways, in which cars for the use of workmen travel, shall be protected as provided in Rule 7.14, "Use of Elevators."

A protective covering of planking or heavy wire netting shall be provided above the overhead work

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of all hoists to prevent objects from falling into the hoistway. Where it is necessary for men to work within or at an elevator shaft, hoistway or stairwell during the construction, demolition, repair or renovation of the building or structure, and where material may fall into such hoistway or shaft, an overhead protective covering shall be provided not more than two (2) stories above the level at which such men are working. In addition a similar protection shall be installed not more than one (1) story below such point at which men are working.

Such protective covering shall be equivalent in strength and suitability to that provided by planking two (2) inches in thickness laid with not more than one-fourth ($\frac{1}{4}$) inch space between planks and extending for the full area of the hoistway.

Enclosures of wire mesh, or wood slats not more than (2) inches apart, shall be installed to prevent ingress to the space under any hoist or elevator.

7.16. Hoists, Material.

7.16.1 Interior Hoistways.

All material hoistways within a building or structure shall be protected as provided in Rule 7.15, "Hoistways."

7.16.2 Outside Hoist Towers.

The car and counterweight shall be provided with safety devices capable of stopping and sustaining the car with its capacity load whenever the safeties are applied and capable of sustaining the counterweights in the event the counterweight ropes should break.

There shall be a floor under the hoistway and above the thoroughfare of such construction as will withstand without failure the impact of the car with rated load or the counterweight descending at governor tripping speed.

7.16.3 Material Hoists.

Construction of Hoist Towers—Material hoist towers shall be constructed of strong, sound timber or of structural steel, supported by a firm foundation of such dimensions as to adequately distribute the load and so as not to exceed the safe bearing capacity of the ground upon which it stands. Hoist towers shall be plumb, and shall be securely braced to ensure stability and rigidity. Such towers shall be anchored to the building at intervals of not more than twenty-five (25) feet or shall be properly guyed by means of steel cables not less than one-half ($\frac{1}{2}$) inch in diameter, securely fastened to suitable and adequate anchorages.

Hoist towers shall be erected and dismantled only by experienced men.

Hoist towers shall be erected only to a height necessary for immediate needs and shall be extended in height only when construction work has progressed sufficiently to provide for the anchorage and bracing heretofore required.

7.16.4 Enclosure of Hoist Towers and Bucket Hoistways.

Hoist towers shall be enclosed on all sides at grade and on all sides adjacent to or within three (3) feet of any floor, landing, scaffold or walkway to a height of not less than eight (8) feet. The enclosure shall be by means of wire mesh or slatted partitions adequately supported, braced and secured so as to provide a substantial enclosure. Wire mesh shall be not less than No. 18 Gauge with openings not exceeding one-half ($\frac{1}{2}$) inch. Wood slats shall be not less than three-fourths ($\frac{3}{4}$) inch in thickness and spaced not more than two (2) inches.

When outside hoisting buckets are used a barricade shall be provided at grade to permit a minimum clearance of 5 feet from all working parts.

Chutes of bucket hoistway towers shall be substantially constructed and securely braced, and properly pitched so that the material will flow by gravity. A pit shall be provided at the bottom of the tower so that any spilling from the bucket shall fall below the blocking on which the bucket rests while being filled.

7.16.5 Entrances to Hoist Towers.

All entrances to hoist towers shall be protected by substantial gates which, when closed, shall guard the full width of the landing entrance. Gates shall be not less than sixty-six (66) inches in height and located not more than four (4) inches from the hoistway line and may have an under-clearance of not more than (2) inches. Gates of grille, lattice or other open work, shall have openings of not more than two (2) inches. Gates shall be equipped with latches or locks openable from the hoistway side only.

Where it is impractical to provide gates, the landing entrance for its full width shall be protected by hinged bars not less than two (2) inches by four (4) inches or equivalent, located two (2) feet from the hoistway line. Hinged bars shall be located not less than thirty-six (36) inches nor more than forty-eight (48) inches from the floor. Where hinged bars are installed, the hoistway enclosure shall be extended to two (2) feet beyond the hoistway line.

Every hoistway gate or bar shall be kept closed except when the entrance is in use.

7.16.6 Hoist Cars.

The platform of hoist cars shall be enclosed from floor to crosshead with a solid enclosure on all sides not used for loading and unloading. At the crosshead a protective covering of planking shall be provided to protect workmen from falling material. Such protective covering may have a hinged section to provide for lengthy material.

Blocks and cleats shall be securely fastened to the floor of hoist cars to prevent accidental rolling of wheel-barrows or the shifting of other equipment.

7.16.7 Hoisting Machinery.

Hoisting machinery shall not be loaded beyond rated capacity. Brakes shall be provided which shall be properly maintained and shall be capable of stopping the machine and holding one hundred and fifty (150) per cent of the rated capacity. Automechanical non-reversing brakes shall also be provided on each hoist. Hoisting machinery shall be adequately protected against the weather and falling material. The guide rails of hoists shall be of steel or sound wood securely fastened at intervals so as not to deflect more than one quarter ($\frac{1}{4}$) inch under normal operation.

7.16.8 Operation of Hoist.

Workmen shall be prohibited from riding on any material hoist and a sign to that effect shall be conspicuously posted at every landing. Only competent, authorized men shall operate hoists. The operation of every hoist shall be controlled by a signal system. Manual signals may be used where the engineman or operator is in a position to see the signalman, but where men are loading or unloading at more than one level or where the signalman cannot readily be seen, a

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mechanical or electrical signal system shall be provided and used. Such signals shall be the signals used for operation of derricks and cranes as provided in Rule 7.19.1, "Signals."

7.17 Derricks and Cranes.

7.17.1 Requirements.

Derricks shall be so constructed, erected and operated that no part shall be stressed beyond the working strength or capacity for which it is designed. Before erection, all blocks, shackles, sheaves and the various devices on the mast and boom shall be thoroughly inspected.

The foot-block of every derrick shall be securely supported and firmly anchored against movement in any direction. Substantial shores shall be placed against the foot-blocks of the derrick to take the pull of the hoisting engine. The top of the mast on guy derricks more than twenty-five (25) feet in height shall be steadied by not less than six (6) cables equally spaced and with equal tension in the guys. All cables shall be inspected before being used and any cable showing excessive rust or a breakage of wires as great as ten (10) per cent of wires in any three (3) foot section shall be discarded.

The ends of the cables shall be placed in thimbles and secured to the guy plates by means of shackles. The cable end shall be clamped by not less than three (3) "U" clamps. Derricks shall be supported on a firm foundation. On soft soil the foot-blocks shall be placed on substantial timbers of sufficient length to distribute the load so as not to exceed the safe bearing capacity of the soil. Where a derrick is used on the floors of a building, timbers shall be placed under the foot-blocks so that derrick loads shall be transmitted to the structural frame of the building.

The booms and masts of every derrick or crane shall be constructed of selected Douglas fir or yellow pine, or shall be of steel or other material equivalent in strength and durability. Cast iron shall not be used for members or parts subjected to tension. Guy wires shall be attached to strong permanent construction or to substantial "dead men", securely anchored in the ground.

On derricks which have a boom longer than the mast the gudgeon-pin, mast-top and gooseneck shall be securely fastened to the top of the mast to prevent the pulling out of these parts when the boom is raised.

There shall be posted, in a conspicuous place on every derrick or crane, a sign showing the maximum safe lifting capacity of such derrick or crane. The engines of every derrick and crane shall be of ample capacity and shall be equipped with brakes capable of sustaining one hundred and fifty (150) per cent of the rated load for stopping and holding such loads in any position. Automechanical non-reversing brakes shall also be included in each hoist.

7.17.2 Breast Derricks.

Breast derricks shall be guyed from both the front and the rear of the derrick. Where a front guy is not possible because of the use to which the derrick is put, provision shall be made to prevent the derrick from tipping over backward. Breast derricks which are operated by hand power shall have handgrips securely and positively fastened to the shaft and a ratchet and pawl shall be provided which will engage the gear and hold the load at any desired height.

7.17.3 Operation.

Derricks shall be operated by a person skilled in the use of the particular type of derrick. The

operator shall cause a daily inspection and lubrication of the crane or derrick to be made. When the work is stopped or when the derrick or crane is not in operation, the boom shall be lowered to a horizontal position or securely tied in place to prevent accidental dropping or swaying of the boom.

Loads shall not be lifted or swung over any person and no one shall be permitted to walk under any load. On loads which have a tendency to swing freely, there shall be attached a tag-line or guide rope to control such swing. No person shall ride on derrick loads, slings or hooks.

7.17.4 Cables, Block and Tackle, Slings, Hooks and Clamps.

All cables, chains, ropes, blocks and similar tackle shall be of sufficient size and strength to safely raise, lower or sustain the load for which it is intended, in any position of operation. Unless otherwise provided for in the Administrative Building Code, the maximum allowable working load of new cables, chains, ropes and blocks shall be based on information furnished by the manufacturer of such equipment.

All hooks shall be of forged steel. Hooks that have become deformed by overloading shall not be used again, and unless such hooks have been repaired and properly heat treated, a new hook shall be substituted.

Sheaves and blocks shall be frequently inspected and kept well lubricated. Sheaves that have become worn, chipped or otherwise damaged shall not be used. Sheaves and blocks designed for use with Manila rope shall not be used with wire cables.

Cables, and blocks used to change the direction of cables, located near any floor or in the close proximity to any working area, shall be enclosed or otherwise effectively guarded against accidental contact by the workmen.

Cable which is kinked or badly rusted or which has ten (10) per cent or more of its wires broken or damaged in any three (3) foot section shall be discarded. Cables shall be securely fastened to their drums by zinc plugs or other suitable clamps and at least two (2) full turns of the cable shall remain on the winding drum at all times.

Cables shall be fastened to an object by looping the cable around the object and clamping the end by means of "U" type cable clamps. Such clamps shall be spaced so that the distance between centers is not less than six (6) times the diameter of the cable and not less than three (3) clamps shall be used on every connection. The clamps shall be so attached that the "U" part of the bolt is over the short end of the cable with the middle clamp placed in reverse to end clamps.

7.17.5 Rope.

Rope shall be of first quality long fibred Manila rope. Frozen rope shall be carefully thawed out before being used and shall be stored in a dry place. Before any rope is used it shall be carefully inspected for abrasions and severe wear.

Rope which has been exposed to acid shall not be used. Ropes shall not be made fast to sharp objects or surfaces which may cut into the strands of the rope.

7.17.6 Chains.

Chains which have deformed links or links which are stretched from their original length

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shall not be used. Chains shall not be allowed to kink.

All repairs to chains shall be made by an experienced blacksmith or chain-wright, except that alloy steel chains shall be repaired by the manufacturer of such chains.

7.17.7 Cranes Operating from Public Streets.

No crane shall be permitted to operate from a public street without a permit issued by the president of the borough in accordance with law. When such crane is permitted, the borough superintendent may permit the omission of the sidewalk bridge, but shall provide such barricades and other safeguards as he deems necessary.

7.18 Tools.

7.18.1 Hand Tools.

All hand tools shall be kept in the best possible condition. Edged tools shall be kept sharp, and hammers, sledges, cold chisels, drills and other similar tools shall be dressed frequently to remove burrs or mushroomed heads. Tools with split or loose handles shall be immediately discarded or repaired.

Hand tools shall not be permitted to lie about so as to form a tripping or falling hazard.

7.18.2 Pneumatic Tools.

Pneumatic hand tools shall be equipped with a device to hold the tool-point in the machine and shall have operating triggers or sleeves so installed that the tool can be operated only while in the hands of the workman.

Pipe lines and air hose shall be frequently inspected and all defects remedied immediately. Hose shall be of the non-kinking type and shall be securely and positively attached to the tool. Adjustments to pneumatic tools or the removing or connecting of air hose shall not be done until it has been ascertained that no air under pressure is being supplied to the hose or tool. Air hose and pipe shall be located so as not to constitute a tripping hazard and shall be protected from contact with moving objects and from abrasion by sharp edges or surfaces.

7.18.3 Electrical Tools.

Electrically operated tools shall be grounded or shall be provided with a three (3) conductor cord which shall be of oil and water resistant construction. One wire of the three (3) conductor cord shall be attached to the frame of the tool and the other end grounded.

Electric tools shall be provided with a safety trigger of such a type that the tool can be operated only while in the hands of the workman. Such safety trigger shall be so located on the tool as to prevent accidental starting of the motor when the tool is laid on a floor or platform.

Periodic examination shall be made of every electrical tool, and the cord thereof, and any abrasion, break or kink shall be immediately repaired. The cord of every electric tool shall not be so placed as to constitute a tripping hazard, nor shall it be placed where it may be subjected to damage by sharp objects or moving vehicles.

7.18.4 General.

Tools shall not be permitted to lie about so as to constitute a tripping or falling hazard. All tools shall be used for the purposes intended and shall be removed from the site when the need for such tools no longer exists.

7.19 Engines.

7.19.1 Signals.

Every engine shall be operated in response to manual signals or to the following visible or audible signal code:

(a) For platform, bucket and similar hoists the following signals shall be used:

- 1 bell (or light)—to stop
- 2 bells (or lights)—to raise
- 3 bells (or lights)—to lower
- 4 bells (or lights)—to lower slowly

(b) For hoisting cables or the cables controlling the boom movements of derricks or cranes, the following visible or audible signals shall be used:

- 1 bell (or light)—to stop
- 2 bells (or lights)—to raise
- 3 bells (or lights)—to lower
- 4 bells (or lights)—to move the boom to the right
- 5 bell (or lights)—to move the boom to the left

(c) Where the signalman has a clear and unobstructed view of the operations of a hoist, crane or derrick, and where the operator has a clear and unobstructed view of the signalman, a manual system of signaling may be used. Such manual system shall be universally understood by those engaged in the specific hoisting operations.

A copy of the signal code shall be posted in a conspicuous place adjacent to the hoisting controls. All wires, cords or other devices used in connection with signal systems shall be protected against unauthorized or unintentional use, breakage or interference.

7.19.2 Protection of Operator.

The operator of every engine shall be protected from injury by falling objects by an overhead protection equivalent to that provided by planking not less than two (2) inches thick, laid tight. Where the engineman's station is so located that the very location of his station eliminates the danger of any injury from falling objects, such overhead protection may be dispensed with.

The exhaust from every internal combustion engine or steam engine shall be piped to the outer air and shall discharge at a height not less than three (3) feet above the head of the operator. Steam and smoke shall not be discharged so as to interfere with the vision of the operator.

Internal combustion engines shall be stopped and all open flame light in the vicinity of the engines shall be extinguished before filling any fuel tanks.

7.19.3 Boilers.

Every boiler shall be constructed, installed, inspected and maintained in accordance with the provisions of the Administrative Building Code and the Rules of the Board.

7.19.4 Hoisting Engines.

Hoisting engines shall be set on a firm foundation securely anchored against movement in any direction. The engines shall be of sufficient power to lift the load intended. A sign or plate giving the maximum load which it can hoist shall be posted in a conspicuous place near every hoist engine.

Every hoist engine shall be equipped with brakes which will effectively hold and sustain in any position a load one hundred and fifty

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(150) per cent of the rated load. Dogs or pawls shall be provided to hold the load when it is suspended for any considerable length of time.

7.20 Power Excavators.

Every power shovel or excavator shall be carefully placed and located. Where the ground is soft or uneven, substantial timbering or planking shall be used to provide a firm foundation. The shovel shall be so located on the timbering and planking as to distribute the load uniformly.

The operator of every shovel shall be protected, by a cab or other suitable means, from injury by falling loads, cinders, steam or water. No person except the operating crew shall be permitted on a shovel while the shovel is in operation.

No person, other than the pitmen and excavating crew, shall be permitted to stand in back of the shovel or within range of the swing of the dipper while the shovel is in operation or being moved to a new location. Shovels when not in use shall be left with the dipper or bucket on the ground and all lubricating, greasing and repairing of equipment shall be performed with the machine at rest.

7.21 Pile Drivers.

Every pile driver shall be firmly supported on substantial timbers where deemed necessary. Frequent inspections shall be made of the ground on which the pile driver rests as well as of adjoining ground and any evidence of movement or displacement of the ground shall be immediately provided for. All pile driving equipment shall be inspected daily before the start of work and every defect shall be immediately corrected before beginning operations.

The operator of every pile driver shall be protected from falling objects, steam, cinders and water by a substantial covering. Each member of the pile driving crew shall be experienced in the work he is to do and the operation shall be in charge of a competent foreman or other authorized person, who, alone, shall direct the work and give the operating signals.

The preparation of the piles shall be done at a safe distance from the driving operation. During the hoisting of the piles, all persons not actually engaged in operating the equipment and handling the piles shall be kept from the area.

When a pile driver is not in use the hammer shall be chocked or blocked in the leads. The operator of every pile driver shall remain at his post when the work is stopped until the hammer has been chocked or blocked in the leads, or has been lowered and is resting on a driven pile or on the ground.

Where steam hammers are used, the steam hose shall be securely and positively connected to the hammer and such hose shall be lashed, or otherwise fastened, to the hammer independently of the connection. Steam lines shall be controlled by shut-off valves located within easy reach of the operator. Driving plates, cushions and striking-heads shall be securely and positively fastened to the top of the pile in such a manner as to prevent their dislodgment during driving operations.

A strong ladder shall be firmly secured to the leads of the pile driver. Such ladder shall extend from the bottom of the leads to the overhead sheaves.

Working platforms consisting of not less than two (2) inch planking, laid tight, shall be provided on all levels of the leads at which it is necessary for the men to work. Such platforms shall be provided with a guard rail or railing on all sides, except on the hammer or lead side of the platform. An opening not more than twenty-four (24) inches in width may be provided for access to the ladder.

7.22 Concrete Mixers

Concrete mixers provided with an elevated charg-

ing skip shall be operated by experienced men only. Each time before the skip is raised or lowered, the operator shall satisfy himself that no workman is within the danger area.

7.23 Rock Drills.

Rock drills of the self-supporting type shall be firmly erected. The air hose to every drill shall be securely and positively connected to the drill.

7.24 Explosives.

7.24.1 C19-28.0 Storage, Sales, Transportation, Use or Possession of Explosives, Generally.

(a) Permit—It shall be unlawful to transport, store, sell, deliver, use or have in possession any explosive without a permit. But no permit shall be granted to any person other than a citizen of the United States.

(b) Guncotton and Soluble Cotton—It shall be unlawful to transport, store or sell any guncotton or soluble cotton except in watertight metal vessels, containing no more than ten pounds, dry weight, and at least twenty per cent of water.

(c) Nitro-glycerine—It shall be unlawful for any person to transport, store, keep, sell, deliver, use or have in his possession any liquid, nitro-glycerine, or to store, transport or use, between the first day of November and the 15th day of March, any explosive which will freeze or deteriorate at a temperature higher than ten degrees above zero Fahrenheit; provided, that permits may be issued for the transportation and sale of nitro-glycerine in the form of tablets, pills or granules, in quantities not exceeding ten thousand pieces, containing no more than one-fiftieth of a grain each. No explosives containing nitro-glycerine, and not intended for use within the city, shall be stored or kept therein or landed at or upon any dock, pier or bulkhead thereof, except as prescribed by the commissioner.

(d) Transportation or Delivery—It shall be unlawful to transport or deliver any explosive between sunset and sunrise, or in a completed tunnel or subway under land or waters, or in or upon any public conveyance nor shall any explosive be transported through, in or upon any street, except in the manner provided in section C19-31.0 of the Administrative Code.

(e) Supervision—It shall be unlawful to bring into the city, or transport, store, deliver or use any explosive therein unless same shall be continually under the care and supervision of one or more persons, each holding a certificate of fitness.

(f) Unapproved Kinds, Types or Brands—No permit shall be issued for the bringing into the city for the transportation, storage, sale or use therein, of any explosive which is not of a type, kind or brand that has been examined, tested and approved by the commissioner.

7.24.2 Blasting Operations.

7.24.2.1 No person other than one experienced in the use of explosives and duly authorized by the person in charge of the job shall fire shots. Blasting shall be done only by means of electric shot firing equipment.

7.24.2.2 At least three minutes before firing a blast, the blaster shall give warning thereof by directing competent workmen, hold-

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ing a red flag, to be stationed at a safe and reasonable distance from the blast at each avenue of approach or points of danger. All persons shall be required to retire a safe distance and to remain at such distance until directed to return by the blaster or person firing the shot.

7.24.2.3 Blasting charges shall be tamped only by means of wooden tamping rods and explosives shall be placed, or set into place, by steady even pressure only. Strokes or blows with the tamping rod are prohibited and no tamping rod which is frayed or split shall be used. Immediately after loading and tamping a hole and before firing the blast, the rock to be blasted shall be covered on all exposed sides with a strong woven matting composed of rope not less than one and one-half ($1\frac{1}{2}$) inches in diameter or of wire rope not less than one-half ($\frac{1}{2}$) inch in diameter, which woven matting shall be of such size and weight as to prevent any particles from being projected into the air by the blast. Such protection may be omitted, however, where a single drill hole is fired at one time and where the nearest road, street, sidewalk or other thoroughfare, or the nearest occupied building is more than one hundred (100) feet from the charge to be exploded.

7.24.2.4 Only men experienced in the use of explosives and duly authorized by the person in charge of the job, shall fire blasts.

7.24.2.5 No person shall be allowed to deepen holes which have previously contained explosives. After a blast is fired, no workman shall approach the side of the blast until a sufficient length of time has elapsed to permit falling material to drop and for the smoke, fumes and dust to be dissipated or blown away. Where a charge has failed to explode, no one shall approach the charge, except the person conducting the blasting. Explosives shall not be extracted from a hole which has once been charged; the tamping, only, may be withdrawn sufficiently to allow a mis-shot to be fired by the insertion of a fresh additional charge of primer. In case of a misfire the blasting leads shall be disconnected before any person is permitted to approach the charge.

7.24.2.6 When there is doubt that all shots have been fired, no one shall return to the working area within thirty minutes when electric delayed detonators are used, or within fifteen minutes when instantaneous electric detonators are used, and then only when so directed by the blaster.

7.25 Welding and Cutting.

7.25.1 Requirements—All welding and cutting shall be in accordance with the "Fusion Welding and Gas Cutting Rules of the Board."

7.25.2 Gas Cylinders—All welding and cutting shall be performed by operators who hold a certificate of qualification, issued in accordance with the "Fusion Welding Rules of the Board."

All cylinders used for the shipment of compressed gases or oxygen shall be constructed, maintained, and marked in accordance with the regulations of the Interstate Commerce Commission.

Cylinders shall be stored away from open flames, radiators and other sources of heat and so arranged or placed that they will not be knocked

over or damaged by passing or falling objects. Cylinders, unless other suitable provision has been made to prevent their upsetting during use, shall be securely lashed to a stationary object. During use every cylinder shall have the cylinder valve key or wrench left in place on the valve spindle. All cylinders shall be used and stored in an upright position.

Cylinders containing oxygen shall not be stored when not in use, near cylinders containing any gas or near highly combustible material or near oil or grease. Cylinders shall be carefully moved and then only after closing the cylinder valves. Regulators or reducing valves shall be tightly connected with a gas tight connection. Gas or oxygen cylinders shall not be used unless equipped with the proper regulator or automatic reducing valve. All valves shall be opened by hand.

Cylinders when empty shall have their valves closed and marked with a tag or sign indicating that the tank is empty.

7.25.3 Hose and Hose Connections.

All hose shall be first quality rubber hose having a sufficient number of plies of fabric to withstand the service for which it is employed. Oxygen hose shall have fittings of a different size or shall be of a color different from that of hose used for gas connections. Hose connections shall be of either the ferrule or clamp type and shall be capable of withstanding, without leakage, a pressure equal to twice the maximum delivery pressure of the pressure regulators provided on the system.

Hose shall be protected from damage by trucks and by moving objects and shall be so placed as not to constitute a falling or tripping hazard. All hose shall be carefully examined at frequent intervals for leaks, worn places and loose connections and any such defects shall be immediately repaired.

7.25.4 Torches.

Torches shall be lighted by means of friction lighters, pilot flames or similar sources of ignition and not by the use of matches.

When torches are changed or when the welding is stopped longer than 5 minutes, all cylinder valves shall be closed. Momentary stoppage may be controlled at the torch valves. Such torches shall be of approved types.

7.25.5 Protection for Workmen.

All persons engaged in welding or cutting operations shall be supplied with and shall wear eye protection equipment of an approved type provided with properly colored lenses fitted in suitable goggles. Such lenses and goggles shall protect the eyes of the worker not only from the heat and glare of the work but also from particles of hot metal which may fly during the operation.

Operators engaged in continuous operations for long periods of time shall be supplied with and shall wear fire resisting gauntlet gloves and aprons.

Adequate protection shall be provided to protect the welder from heavy winds and such enclosures so provided shall be arranged to permit adequate ventilation. No welding shall be carried on in any confined space unless adequately ventilated.

Metal structural members carrying any stress other than their own weight shall not be cut. Before the cutting of any large or heavy structural member, such member shall be secured or supported by ropes, cables, chains or other equi-

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valent means to prevent the dropping or swinging of the member.

7.25.6 Welding Fire Hazards.

Oily and greasy substances shall be kept from the cylinders, hoses and torches. Cylinder valves and connections shall not be lubricated.

Whenever a welding or cutting operation is performed in such a location that the possibility of flying particles of metal or sparks may shower a workman, there shall be provided a substantial and incombustible screen immediately below or around the welding operation.

Whenever welding operations are performed and there is in the vicinity any combustible material, there shall be provided, within easy reach of the operators, at least one approved fire extinguisher or fire pails filled with water.

7.26 Chutes for the Removal of Debris.

Wooden or metal chutes provided for the removal of brick or other loose material or debris and which are at an angle of more than forty-five (45) degrees with the horizontal, shall be entirely enclosed on all sides, except openings formed in the chutes at the floor levels and used for the receiving of material. Openings shall not exceed forty-eight (48) inches in height, measured along the wall of the chute, and all openings, except the top opening shall be closed when not in use.

Chutes at an angle of less than forty-five (45) degrees with the horizontal may be open on the upper side.

Every chute more than 24 inches in maximum inside dimension shall be constructed of not less than two (2) inch thick planking, or of not less than three-sixteenth (3/16) inch metal; shall have metal bottoms where the material strikes the chute, and shall be rigidly supported throughout its height. A strong gate shall be constructed at the lower end of every chute to control the loading of material into trucks and to close the chute at all other times. Splash-boards or baffles shall be erected to prevent materials from rebounding into the street or under the sidewalk shed.

A bumper or curb not less than 4" x 4" in section shall be provided at each chute opening where such opening is level with or below the floor or platform. Every space between the chute and the edge of the opening in the floor or platform shall be solidly planked.

Danger signs shall be placed in a conspicuous position at the discharge end of every chute to warn the workmen and public.

Prior to the erection or use of any chute, or alteration of a building approval of its structural supports shall be obtained. Such supports in the case of class 1 and class 2 buildings shall be of incombustible material.

7.27 Wheel-Barrows, Carts and Hand-Trucks.

Wheel-barrows, carts and hand-trucks shall be substantially constructed and braced to withstand the loads to be carried. The handles of all wheel-barrows, carts and hand-trucks shall be smooth. Cracked, split or otherwise damaged handles shall be immediately replaced.

Wheel-barrows, carts and hand-trucks shall not be stored or left unattended in a passageway or other place where they may constitute an obstruction or tripping hazard.

7.28 Trucks.

All parts and accessories of trucks shall be kept in good repair and safe condition, and material piled

on trucks for transportation shall be limited to that amount which can be safely transported without spilling or jarring the material loose. Material shall not project beyond the sides of the truck.

Loads which cannot be fully contained within the body of the truck shall be secured by means of chains, cables, ropes or other effective means.

APPENDIX

TABLE I LIGHT INTENSITY

The following size Mazda type lamps at the corresponding distances from the surface to be illuminated will produce approximately a two (2) foot candle intensity on such surface.*

Mazda type lamps size	Distance from lamp to surface (in feet)		
	Bare lamp; no reflection from walls	Lamp in reflector; no reflection from walls	Lamp in reflect- ing fixture; white surfaces, white walls
60 watts	6'	8'	12'
100 watts	8'	10'	16'
150 watts	10'	12'	20'
200 watts	12'	14'	24'

*Because of various factors such as reflecting power of nearby walls and surfaces, type of fixture, age of lamp, etc., the values given here are approximate.

* * * * *

TABLE II SIZE AND NUMBER OF NAILS

It may be assumed that a secure joint is a joint or connection in which the smaller member is nailed to a member of equal size or to a larger member by not less than the following number and sizes of nails, driven to their full length:

Thickness of Smaller Member (inches)	Trade Size of Nail	Length of Nail (inches)
1"	8d	2½"
2"	20d	4"
3"	60d	6"
4"	—	8"

Width of Smaller Member (inches)	Minimum Number of Nails Required
4"	2 nails
6"	3 "
8"	4 "
10"	5 "
12"	5 "

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TABLE III MAXIMUM SPAN FOR SCAFFOLD PLANK

Thickness of Plank (in inches)	Span of Plank (in feet)
1½"	6'-0"
2"	10'-0"

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OIL BURNER RULES

(217-21-SR)

RULES COVERING THE INSTALLATION AND USE OF OIL BURNING EQUIPMENT AND THE STORAGE OF OILS USED IN CONNECTION THEREWITH

Adopted by the Board of Standards and Appeals June 15, 1934, Amended July 12, 1935, January 28, 1936, December 4, 1936, and July 1, 1941.

(Superseding Fuel Oil Rules adopted by the Board of Standards and Appeals, November 6, 1919; amended January 6, 1922; January 18, 1924; November 3, 1926; September 11, 1928; January 11, 1929; March 20, 1931; May 12, 1931; November 24, 1931; May 10, 1932; June 24, 1932 and November 4, 1932.

Authority: Section 666, paragraph 2 of the New York City Charter.

Rule 1. Scope.

- 1.1 No person shall install oil-burning, or oil-storage equipment for use within the City of New York except as provided in these rules.
- 1.2 These rules shall not apply to gas companies storing or using oil in the manufacture of illuminating gas for public use.

Rule 2. Definitions.

- 2.1 For the purpose of these rules the following terms shall be interpreted in accordance with these definitions:
- 2.2 APPROVED: Shall mean devices hereafter approved by the Board of Standards and Appeals and also, when required by the Board of Standards and Appeals, approved, listed as standard, and/or labeled by any nationally recognized standard testing laboratory not operated for commercial profit, provided all such devices are installed in accordance with these rules. Such approval is subject to suspension or revocation for non-compliance with these rules. All devices approved by the Board of Standards and Appeals prior to the adoption of these rules shall be accepted.
- 2.3 AUTOMATIC PUMP: Shall mean an automatic transfer pump operating independent of the burner to provide a continuous supply of oil.
- 2.4 BURNER: A device designed for the purpose of burning oil.
- 2.5 COMMERCIAL INSTALLATIONS: Oil burner installations in buildings, other than dwellings when used for heating and generation of power for use on premises.
- 2.6 CONTROLS: Such electrical or mechanical devices as are installed for the purpose of providing safe and continuous operation.
- 2.7 DISCHARGE LINE: That portion of the line between the discharge outlet of the pump and the burner oil inlet connection.
- 2.8 DOMESTIC INSTALLATIONS: Oil burner installations installed in dwellings as defined in these rules.
- 2.9 DWELLINGS: Buildings used exclusively for dwelling purposes and occupied by one or two families, including convents, rectories and monasteries.
- 2.10 ELECTRICALLY GROUNDED: For protection against lightning shall mean storage tanks set directly in or on the ground and/or with under-

ground piping connections. Where storage tanks without underground piping connections are built on bases above the surface of the earth, such storage tanks shall be grounded at two (2) points 180° (degrees) apart as follows:

- 2.10.1 The conductor from tank to ground connection shall be of copper not smaller than No. 6 (.162") A.W.G. wire, or pipe not less than one-half inch ($\frac{1}{2}$ ") in diameter.
- 2.10.2 One end of conductor shall be permanently and electrically bonded to tank. The other end shall be bonded to a ground connection consisting of a water pipe or a rod, pipe or plate having a surface area of not less than one hundred and ninety (190) square inches, buried in moist earth not less than two feet (2') below the surface of the earth.
- 2.11 FILL PIPE: That portion of the line between the fill pipe terminal and the fill pipe connection in the storage tank.
- 2.12 FIRE RETARDING MATERIALS:
 - 2.12.1 One-half ($\frac{1}{2}$) inch plaster boards, or asbestos boards, or three-eighths ($\frac{3}{8}$) inch gypsum wall boards weighing not less than 16 pounds per square yard with pointed joints covered with No. 26 U. S. gauge sheet metal with one (1) inch lapped seams nailed to the wood beams when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are spaced more than sixteen (16) inches on centers, or
 - 2.12.2 Two thicknesses of one-quarter ($\frac{1}{4}$) inch asbestos boards laid with tight staggered joints and nailed to the beams, when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are more than sixteen (16) inches on centers, or
 - 2.12.3 Metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters ($\frac{3}{4}$) inch thick.
 - 2.12.4 Note—All fire retarding material to be applied as required in rules for fire retarding material of the Board of Standards and Appeals.
- 2.13 GROUND: An electrical conductor having capacity to absorb current.
- 2.14 INDUSTRIAL INSTALLATIONS: Oil burner installations for industrial purposes.
- 2.15 OIL: Any liquid mixture, substance or compound derived from petroleum, including kerosene and fuel oil as defined in C19-2.0 of the Administrative Code and Rule 3.
- 2.16 OIL BURNING EQUIPMENT: Any device including burners, oil burning heaters, internal combustion engines used for heating, power or other purposes designed for and/or using oil as defined in these rules.
- 2.17 OIL LEVEL INDICATING DEVICE: A means by which the level of the oil in a storage tank may be indicated.
- 2.18 OVERFLOW PIPE: A pipe which conveys, by gravity, the oil from the maximum level of an auxiliary tank to the storage tank or from the pump to the storage tank.

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- 2.19 **PERMANENT DEFORMATION:** Wherever phrase, "without permanent deformation," is used in these rules it shall mean that the tanks or containers shall, after release of test pressure, resume their original size and shape.
- 2.20 **PERMIT:** Shall mean permit for storage of oil.
- 2.21 **PORTLAND CEMENT CONCRETE:** Shall mean a mixture of one (1) part cement and not more than two and one-half ($2\frac{1}{2}$) parts sand and five (5) parts of coarse aggregate and complying in all other respects with the requirements of C26-311.0 of the Administrative Building Code.
- 2.22 **PREHEATER:** A device designed for heating oil for the purpose of decreasing the viscosity.
- 2.23 **RELIEF VALVE:** A valve held shut by a spring or other means of automatically relieving pressure in excess of its setting.
- 2.24 **RELIEF LINE:** That portion of the line between the bypass connection of the relief valve and the supply line or storage tank.
- 2.25 **REMOTE CONTROL:** A hand, electric, or mechanically-operated device to shut off the oil supply. A thermostat is not acceptable as a remote control.
- 2.26 **SCAVENGING LINE:** A line installed to permit the removal of water or foreign matter from a storage tank.
- 2.27 **SHOP FABRICATED:** Shall mean completely built in the shop of the tank manufacturer.
- 2.28 **SHUT-OFF VALVE:** A device that can be actuated to prevent the flow of liquid in a line of pipe.
- 2.29 **STORAGE CONTAINER:** Any container for oil connected to a burner or oil-burning heater and having a capacity of six (6) gallons or less.
- 2.30 **STORAGE TANK:** Any tank for oil having a capacity of two hundred and seventy-five (275) gallons or more, having a fill line and vent line connected thereto.
- 2.31 **STORAGE TANK, AUXILIARY:** Any container for oil having a capacity of not over 60 gallons and used as an intermediary tank for gravity feed and equipped with an automatic or manually operated pump.
- 2.32 **SUPPLY LINE:** That portion of the line between the storage tank and the pump oil inlet connection or hand valve. Where a pump is not used, it shall be that portion of the line between storage tank and burner and burner oil inlet connection or hand valve.
- 2.33 **TEST WELL:** An opening in the top of the storage tank or a straight pipe connected to such opening through which a gauge stick may be inserted into the storage tank.
- 2.34 **TRANSFER PUMP:** An oil pump that is not an integral part of the burner and which is installed between storage tank and burner.
- 2.35 **VENT PIPE:** That portion of the line between vent pipe terminal and vent pipe connection in the storage tank.

Rule 3. Oil Permitted.

- 3.1 Oil permitted under these rules shall be any hydrocarbon oils free from acid, grit and fibrous or other foreign matter. The fuel oils shall be classified as provided in Commercial Standard CS12-38 U. S. Department of Commerce, and shall have a flash-point not lower than 100 degrees Fahrenheit when tested in a Pensky-Martens closed cup tester

(American Society for Testing Materials Method D-93-36) and marketed under the following commercial grades:

Range Oil	
No. 1 Fuel Oil	
No. 2	" "
No. 3	" "
No. 4	" "
No. 5	" "
No. 6	" "

- 3.2 The use of crankcase refuse oil as fuel oil is strictly prohibited.

Rule 4. Standards For Approval of Oil Burners by the Board.

- 4.1 Approved burners, including oil-burning heaters, shall be an assembly of approved parts suitable for use with each other for the service intended, as approved, such burners shall be provided with suitable safeguards to prevent abnormal discharge of oil.
- 4.1.1 When assembled each burner shall be tested for defects and proper functioning throughout its operating range. Parts shall be so designed as to maintain alignments and to permit interchangeability.
- 4.1.2 The CO_2 in the flue gas shall be maintained at not less than 8% without smoking and throughout the operating range of the capacity of the burner when tested.
- 4.1.3 Flexible tubing used as an integral part of burner shall be not longer than 72 inches and of an approved type.
- 4.2 Approval of burners or oil-burning heaters designed for installation with storage of not more than six (6) gallons shall include approval of storage containers and limitations of installation. If more than six (6) gallons' storage is desired for such burners or oil-burning heaters, a storage tank shall be installed as provided for in these rules. Portable containers of not more than six (6) gallons' capacity may be filled from such storage tanks by means of an approved hand pump located above the top of the tank.
- 4.3 The requirements of these rules shall not apply to the use and installation of portable burners not requiring a connection to a flue where such burners are of the type commonly used for household purposes including oil stoves, oil heaters and oil lamps equipped with a woven wick, nor do the requirements of these rules apply to such portable apparatus such as blow torches, soldering pots, tar heaters, snow melters, etc.

Rule 5. Material and Construction of Tanks.

- 5.1 **Cylindrical Tanks** (except vertical tanks located outside of buildings above ground).
- 5.1.1 All tanks for the storage of fuel oil shall be built of steel plates made by the open hearth process and known to the trade as "tank steel." Such plate shall be free from physical imperfections, such as laminations, cracks, mill scale, etc. All steel must be new in good condition and free from rust. The thickness of steel required and the size and spacing of rivets shall be as stated in the table given below.
- 5.1.2 All tanks shall be welded or riveted and caulked, or riveted and welded. Flanges or other pipe connections may be welded. All caulking shall be done with round nose tools and without injury to the plates. Filler of any kind between plates is prohibited.

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5.1.3 Thickness of cylindrical tanks, except tanks of 275 gallons capacity or less:

Tanks 36 in. in diameter and less— $\frac{1}{4}$ in. shell, $\frac{1}{4}$ in. heads.

Tanks 37 to 72 in. in diameter— $\frac{1}{4}$ in. shell, $\frac{5}{16}$ in. heads.

Tanks 73 to 120 in. in diameter— $\frac{5}{16}$ in. shell, $\frac{3}{8}$ in. heads.

Tanks over 120 in. in diameter to be of $\frac{3}{8}$ in. steel and to be stiffened by angle rings or equivalent members so as to retain their cylindrical form.

5.1.4 All cylindrical, oval or obround storage tanks shall have dished heads with a curvature the radius of which is not greater than the diameter of the tank. Dished heads shall be formed with an adequate cylindrical extension rim to provide welding or riveting surface. Should flat heads be used they shall be braced in the same manner as described for the bracing of flat sides of rectangular tanks.

5.1.5 Diameter and spacing of rivets:

Riveting in single lap seams shall not exceed a pitch as follows:

In shell $\frac{1}{4}$ in. thick, $\frac{5}{8}$ in. in diameter rivets $2\frac{1}{4}$ in. pitch.

In shell $\frac{5}{16}$ in. thick, $\frac{5}{8}$ in. in diameter rivets $2\frac{3}{8}$ in. pitch.

In shell $\frac{3}{8}$ in. thick, $\frac{3}{4}$ in. in diameter rivets $2\frac{1}{2}$ in. pitch.

5.2 Rectangular Tanks.

5.2.1 All rectangular tanks shall be built of steel plates of the quality required for cylindrical tanks, and of a thickness of not less than $\frac{5}{16}$ of an inch.

5.2.2 Corners may be made up by bending the plates or by use of angles.

5.2.3 Rivets in seams shall be $\frac{5}{8}$ of an inch in diameter and spaced not more than $2\frac{1}{4}$ inches center to center.

5.2.4 All flat surfaces of rectangular tanks are to be braced. Bracing shall be done either by using structural steel members which will act as girders and which will safely carry the load with a factor of safety of five (5), or by using bars from side to side, end to end and top to bottom of the tanks as the case may be.

5.2.5 When structural steel members are used such as angle, channels or beams, etc., the distance from center to center of the rivet lines on these members must not be in excess of twenty-four inches, and the rivet spacing must be such that it will develop the full strength of the members. In no case shall the rivets be in excess of six (6) inches center to center on these members.

5.2.6 When structural steel reinforcing members are tied together with braces in order to reduce the effective length, the braces shall not be stressed higher than nine thousand (9,000) pounds per square inch taken in the minimum net section.

5.2.7 If structural steel members are omitted and the sides of the tank are braced by means of rods or bars, these members should not be spaced farther apart than twenty-four (24) inches center to center in all directions. The unit stress permitted in these members shall not be in excess of nine

thousand (9,000) pounds per square inch on the minimum net section.

5.2.8 The connection between these members and the sides of the tank must in all cases be such that it will develop the full net sections of the bars so that the bar will break before the connection will let go.

5.3 All Tanks Except Vertical Above-Ground Storage Tanks.

5.3.1 All storage tanks for oil of two hundred and seventy-five (275) gallons' capacity or less, except buried tanks, shall have a minimum thickness of shell and head plates of manufacturers Standard 10 gauge (.134"). Auxiliary storage tanks of 60 gallons or less shall be similarly constructed but need not be of a gauge thicker than U. S. Standard No. 14.

5.3.2 At time of installation all storage tanks shall bear a permanently fixed plate, spot-welded or equivalent, bearing the name of tank manufacturer, the gauge of material and capacity of tank. All shop fabricated storage tanks shall be installed without structural alteration.

5.3.3 All openings shall be through the top of the storage tank except that storage tanks of 275-gallons may be provided with a three-quarter inch ($\frac{3}{4}$ ") opening for gravity discharge and a one-inch (1") opening in the bottom for cleaning and protection against corrosion.

5.3.4 All buried storage tanks shall have a thorough coating on the outside of two coats of red lead protected by hot tar, asphaltum, or other equivalent rust-resisting material. All such tanks shall be electrically grounded.

5.3.5 Manholes; Tanks for oils having a viscosity less than 500 sec. Saybolt Universal at 100° F. need not have manholes; where used for such oils the manhole covers shall be bolted and made gastight; where used for oils having a viscosity greater than 500 sec. Saybolt Universal at 100° F. (No. 5 or No. 6 Commercial Standard grades) shall have manhole covers bolted or otherwise secured to the tanks and kept hydrostatically tight at all times.

5.4 Vertical Storage Tanks Over 1,000 Gallons Capacity Located Outside of Building Above Ground.

5.4.1 Vertical tanks located outside of buildings above ground shall be built of steel plates of the quality required for cylindrical tanks.

5.4.2 The minimum thickness of shell or bottom plates shall be $\frac{1}{4}$ inch and the minimum thickness of roof plates $\frac{1}{8}$ inch.

The thickness of shell plates shall be figured in accordance with the following formula:

$$t \text{ equals } \frac{P \times r \times F}{T \times E}$$

P equals head pressure at bottom of ring under consideration.

R equal radius of shell in inches.

F equals factor of safety (taken as 5).

T equals tensile strength of plate in pounds per square inch (55,000 pounds per square inch).

E equals efficiency of vertical joint in ring under consideration (calculations to be based on formulas as given in Bulletin No.

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14 of the New York State Industrial Commission).

5.4.3 Roof plates shall have single riveted watertight seams and the roof shall be built to shed water. Bottom plates shall have single lap riveted seams. Shell plate seams shall be designed with proper efficiency to meet requirements of above formulas for shell plates.

5.4.4 In all cases, steel tanks for the storage of fuel oil must be built metal to metal. No filler of any kind will be permitted.

5.5 Storage Containers.

5.5.1 Storage containers for oil of six (6) gallons capacity or less used in connection with burners or oil-burning heaters shall be designed to withstand a hydrostatic pressure test of five (5) pounds per square inch without permanent deformation, rupture or leakage and shall be approved as provided in Rule 4.2. Glass storage containers shall not exceed three gallons capacity, protected with a metal jacket provided with hand grips and designed to be rigidly fastened to stand or wall and shall be approved as provided in Rule 4.2.

Rule 6. Location of Tanks.

6.1 Inside of Buildings, Above Ground.

6.1.1 Storage tanks having a capacity of two hundred and seventy-five (275) gallons and auxiliary tanks may be installed above ground in or on the lowest story of a building, provided such tanks shall be mounted on substantial incombustible supports, with tank permanently attached thereto, and located not less than seven feet (7') of clear unobstructed space measured horizontally from any furnace or source of exposed flame unless tank is protected as provided for in Rule 6.1.2. Such storage tanks inside buildings shall have an individual capacity of not more than two hundred and seventy-five (275) gallons capacity and not more than one such tank shall be connected to one burner. Not more than two (2) two-hundred-and-seventy-five (275) gallons storage tanks shall be installed in a building above ground without protection as provided for in Rule 6.1.2.

6.1.2 Storage tanks having a capacity of more than two hundred and seventy-five (275) gallons, when installed inside of buildings, shall be located on the lowest floor level and all portions of such tanks above the floor shall be protected by a continuous jacket of not less than four inches (4") of Portland cement concrete reinforced with not less than No. 20 gauge steel wire cloth 2" x 2" mesh, and extending at least four inches (4") beyond the horizontal outline of tank in all directions, with weep holes along the bottom one inch in diameter not more than 3 ft. apart.

Each storage tank may be placed in a protective enclosure having solid masonry walls not less than eight inches (8") in thickness and of dimension not less than fifteen inches (15") greater on all sides than the outside dimensions of the storage tank. The walls of the enclosure shall be carried up to a height not less than two feet (2') above the top of the tank. A fireproof access door shall be installed in the enclosure above the point

where the enclosure has a capacity equal to the tank; and for each additional 10 feet or fraction thereof by which the longest inside dimension of the enclosure exceeds 35 feet an additional fireproof access door shall be similarly installed at one or more intervals of not less than 10 feet. The ceiling above the tank enclosure shall be either fireproof or fire-retarded.

6.1.3 The capacity of individual storage tanks located inside of buildings shall not exceed twenty thousand (20,000) gallons.

6.1.3.1 All buried storage tanks shall be constructed of metal not less than 1/4" in thickness.

6.1.4 All storage containers used in connection with burners or oil-burning heaters shall be installed in a substantial and workmanlike manner with rigid metal fasteners to wall or floor and protected against mechanical injury.

6.2 Inside of Buildings, Below Ground.

6.2.1 Storage tanks having a capacity of 275 gallons or more may be buried inside a building with the top of the tank not less than two feet below floor level. In lieu of two feet of earth over the tank, the tank may be covered by concrete flooring equivalent to the basement floor but not less than the equivalent of 4 inches of reinforced Portland cement concrete with not less than No. 20 gauge steel wire cloth 2" x 2" mesh. Tanks shall be placed in firm soil and shall be surrounded by clean sand or well tamped earth, free from ashes or other corrosive substance, and free from stones larger than will pass through a one-inch mesh. When necessary to prevent floating, tanks shall be securely anchored. Storage tanks buried below the floor, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust-resisting material.

6.2.2 Storage tanks buried below the floor shall not be less than 1/4" in thickness.

6.2.3 No tank shall be buried so as to be nearer than three feet to any foundation wall or foundation footing.

6.3 Outside of Buildings, Below Ground.

6.3.1 Storage tanks located outside of buildings, below ground, shall be buried with the top of the tank not less than two feet (2') below the natural grade of the surface of the ground. Tanks shall be placed on firm soil and shall be surrounded by clean sand or well tamped earth, free from ashes or other corrosive substance, and free from stones larger than will pass through a one-inch (1") mesh. When necessary to prevent floating, tanks shall be securely anchored.

6.3.2 No tank shall be buried so as to be nearer than 3 feet to any foundation wall.

6.3.3 All buried storage tanks larger than two hundred and seventy-five (275) gallons, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two (2) coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust-resisting material. All tanks shall be electrically grounded.

6.3.4 All buried storage tanks shall be constructed of metal not less than 1/4" in thickness.

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6.4 Outside of Buildings, Above Ground.

6.4.1 Storage tanks located outside of buildings above ground shall be not less than one and one-quarter ($1\frac{1}{4}$) tank diameters and in no case less than ten feet (10') from the line of adjoining property, the nearest building or adjacent tank. Such tanks shall be electrically grounded. The maximum capacity of individual tanks located outside of buildings above ground shall be fixed by the following schedule:

If distant 25 feet from line of adjoining property which may be built upon	16,000 gallons
If distant 30 feet.....	24,000 "
If distant 40 feet.....	36,000 "
If distant 50 feet.....	48,000 "
If distant 60 feet.....	60,000 "
If distant 75 feet.....	96,000 "
If distant 85 feet, or more	100,000 "

6.4.2 Each such storage tank shall be protected by an embankment or a dyke. Such protection shall have a capacity of not less than one and one-half ($1\frac{1}{2}$) times the capacity of the tank so surrounded and shall be at least four feet (4') high but in no case higher than one-fourth ($\frac{1}{4}$) the height of the tank when the height of the tank exceeds sixteen feet (16'). Embankments or dykes shall be made of earthwork with clay core; or of masonry, or of impervious reinforced concrete. Earthwork embankments shall be firmly and compactly built of good earth; free from stones, vegetable matter, etc., and shall have a flat section at the top of not less than three feet (3') and a slope of at least one and one-half ($1\frac{1}{2}$) to two (2) on all sides. Concrete or masonry dykes shall be so designed as to safely carry the entire volume of the oil in the tank so surrounded. Embankments or dykes shall be continuous and unpierced. C-19-50.0 of the Administrative Code.

6.4.3 All above ground storage tanks larger than two hundred and seventy-five (275) gallons, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two (2) coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust-resisting material. All tanks shall be electrically grounded.

6.5 Tanks Located Along Line of Subways.

6.5.1 Along the line of subways no tank shall be placed within twenty feet (20') of any wall, separating a building from the subway, and, where practicable, tanks shall be placed in a lower position than the roadbed of the subway, except as may be modified in specific instances by the Board of Standards and Appeals.

Rule 7. Piping.

7.1 Installation of Piping and Tubing.

7.1.1 Piping and tubing shall be run in a substantial and workmanlike manner. Exposed piping shall be protected against mechanical injury and shall be securely supported with rigid metal fasteners or hangers. All pipes connected to buried tanks except test well piping shall be provided with double swing joints at tank.

7.1.2 Only new standard full-weight iron, steel or brass pipe, or new extra-heavy copper brass or aluminium alloy tubing, properly marked and duly approved, may be used. Drawn metal tubing when used for conveying oil, shall be adequately protected. Such tubing unless protected against mechanical injury shall be used only in the same room in which the burner is installed. Drawn tubing when used in domestic installations shall be not less than three-eighths inch ($\frac{3}{8}$ ") inside diameter up to shut-off valve at burner. Soldered connections are prohibited.

7.1.3 Overflow pipes where installed shall not be smaller in size than the supply pipe.

7.2 Relief Valves.

7.2.1 Where a shut-off valve is installed in the discharge line from an oil pump a relief valve shall be installed in the discharge line between the pump and the first shut-off valve.

7.2.2 Oil preheaters shall be of approved type and provided with a relief valve to prevent excessive oil pressure. Oil preheaters shall not be installed in the steam or water space of the boiler.

7.2.3 Relief valves shall be set to discharge at not more than one and one-half ($1\frac{1}{2}$) times the maximum working pressure of the system. The discharge from relief valves shall be returned to storage tank or to the supply line. There shall be no shut-off valve in the line of relief.

7.3 Vent Pipe.

7.3.1 An open vent of iron or steel, without trap, and draining to the tank, shall be provided for each storage tank. The lower end of the vent pipe shall not extend through the top of the storage tank more than one inch (1"). Cross connection between vent pipe and fill pipe is prohibited.

7.3.2 Where a battery of storage tanks, designed to hold the same grade of oil, is installed, vent pipes may be run into a main header.

7.3.2.1 The area of the header and common vent shall be equal to the sum of the areas of the vent pipe.

7.3.3 Vents shall be not less than one and one-quarter inches ($1\frac{1}{4}$ ") in diameter for storage tanks up to 1,100 gallons' capacity and not less than two inches (2") in diameter for storage tanks of 1,100 gallons and more. Vents for auxiliary storage tanks shall not be less than $\frac{1}{2}$ inch in diameter and may be run into the storage tank vent.

7.3.4 Vent pipes shall be provided with weather-proof hoods and shall terminate outside the building not less than two feet (2') from any building opening and not less than two feet (2') nor more than twelve feet (12') above the fill pipe terminal, except as may be otherwise approved by the Board. When such openings are fixed and constructed of incombustible materials they shall not be deemed openings within the intent of this rule. If the vent pipe terminal is not visible from the fill pipe terminal location, a one-inch (1") line shall be connected to tank and shall parallel the fill pipe and terminate at the fill pipe terminal with unthreaded end. Such tell tale lines shall be provided with a check valve set to prevent flow of surface water to storage tank.

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7.4 Fill Pipes.

7.4.1 Fill pipe shall terminate outside the buildings with the fill pipe terminal located at or above grade at least two feet (2') of any building opening or subway grating at or below the level of the fill pipe terminal. No fill pipe shall be less than 2 inches in diameter.

7.4.2 Each storage tank shall be provided with a separate fill pipe except where a battery of tanks is installed, containing the same grade of oil, a common fill and header pipe may be installed provided the area of common header pipe is no smaller than the largest branch fill pipe. When different grades of oil are piped to separate tanks from a common fill line, each branch fill pipe shall be provided with a shut-off valve.

7.4.3 Where the top of the storage tanks is above the fill pipe terminal the fill pipe shall be connected to the top of the tank and be provided with a shut-off valve and a swing check valve which shall be located at the fill pipe terminal.

7.4.4 All fill pipe terminals shall be of approved type constructed of a suitable material, provided with lugs for imbedding in concrete or in lieu thereof a set screw to fasten terminal to fill pipe. The outer flange of the fill pipe terminal shall be provided with letter reading "Fuel Oil" and the calendar number under which the fill pipe terminal has been approved. The fill pipe terminal shall be separately threaded to receive the seal cap and the fill pipe. The seal cap shall be suitably threaded and slotted for a special opening wrench. An oilproof gasket inserted in a groove in the fill pipe terminal shall be provided so as to render the fill pipe terminal leakproof. A strainer is not required but if used must be of not less than $\frac{1}{8}$ inch mesh. Where there is a storage system of volatile inflammable oil and a storage system for fuel oil to be used in the same premises, the terminal of fuel oil fill pipe shall be provided with a left-handed thread, and the fill pipe fitting shall be of a different size than that required for the fill pipes to gasoline tanks.

7.5 Heating Coils in Storage Tanks.

7.5.1 All heating to reduce viscosity of oils in storage tanks shall be only by means of hot water or low pressure (ten (10) pounds per square inch maximum) steam coils or electric heaters approved for oil storage tanks.

7.6 Scavenging Line.

7.6.1 When a scavenging line is installed it shall terminate outside of the building and shall be capped oil tight when not in use.

Rule 8. Valves and Control of Oil Flow.

8.1 Each supply line from storage tanks of two hundred and seventy-five (275) gallons' capacity and from auxiliary storage tanks shall be provided with a shut-off valve at the tank and at the burner and when connected to burners designed for gravity feed, shall be provided with an approved constant level device.

8.2 Each supply line for storage tanks of more than two hundred and seventy-five (275) gallons' capacity, shall be provided with a shut-off valve at the burner and where the top of the tank is above the oil inlet connection to the burner and/or transfer pump, shall be provided with an approved anti-syphon device located at the highest point in supply line, except that where heavy oil (No. 6 Commercial Standard Grade) having a viscosity of one hundred (100) seconds or more Saybolt Furol at one hundred and twenty-two degrees Fahrenheit 122° F.) is used, the anti-syphon device shall not be required.

8.3 Except as may be modified in specific instances by the Board of Standards and Appeals, oil from storage tanks of two hundred and seventy-five (275) gallons' capacity or more may be delivered to burners installed above the lowest floor of a business building only under the following provisions:

8.3.1 Plans for such installations shall be submitted for approval to the administrative official having jurisdiction before such installation is made.

8.3.2 Such burners shall not be installed in any story of any building the floor of which is more than fifty feet (50') above the street level. Only one oil delivery line shall be installed for each floor.

8.3.3 Oil delivery lines to burners located above the lowest floor of a building shall not be larger than two inches (2") iron pipe size.

8.3.4 The pressure in oil lines to burners located above the lowest floor of a building shall not be more than is necessary to deliver oil to the burners and such pressure shall not in any case exceed thirty (30) pounds per square inch. With each automatic burner there shall be installed and maintained in good working order a set of suitable safety controls of the electric or mechanical type. The proper control for each burner is to be listed in the resolution under which the burner is approved. The controls are to provide the following functions:

Temperature control	
Ignition	"
Stack or	
Combustion	"
Pressure	"
Gravity	"

8.4 A remote control shall be provided whereby the flow of oil to any burner can be stopped, and such remote control shall be located outside the entrance to the room in which the burner is located and as close to such entrance as practical, except when outside location is impracticable such control may be located immediately inside the room in which the burner is located if such location is accessible at all times. All such controls shall be legibly labeled "Remote Control for Oil Burner." On auxiliary storage tanks used with manually operated burners such remote control may be installed on feed lines between tank and burner.

8.5 Except as provided by Rule 4.2 of these rules for approved combination burner and storage container devices, pressure in storage tank or container for the purpose of discharging oil is prohibited.

8.6 In system where either steam or air is used for atomizing the oil, the oil and the atomizing supply shall be interlocked, so that in case of the inter-

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ruption of the atomizing supply, the supply of oil will immediately be cut off. Except that this requirement shall not apply to air and oil supply units directly connected to a common driver.

Rule 9. Oil Level Indicating Devices and Test Wells.

- 9.1 All tanks located inside of buildings shall be provided with an oil level indicating device. Test wells shall not be permitted in tanks located inside of buildings. Unused tank openings shall be permanently sealed to prevent removal of plugs or cover.
- 9.2 Oil level indicating devices shall be constructed of substantial materials so designed that there can be no leakage of oil or oil vapor.
- 9.3 Test well shall be capped oil tight and kept closed when not in use.

Rule 10. Permits, Plant, Inspection and Tests of Storage Tanks and Piping.

10.1 Permits.

- 10.1.1 No oil installation of more than six (6) gallons' capacity shall be operated until after a permit has been issued by the Fire Commissioner.
- 10.1.2 Applications for permit shall be made by the installer who holds a certificate or license issued by the Fire Commissioner on forms furnished by the Fire Commissioner and shall provide for the location of the building in which the installation is to be made, name and address of owner and/or occupant, name and address of installer, make and approval number of burners, pumps and other devices, capacity number and location of storage tanks, together with approval of such proposed installation by the Borough Superintendent of Buildings when required under Rule 10.2.
- 10.1.3 No permit shall be issued by the Fire Commissioner until the installation has been inspected by his representative and the installer has furnished an affidavit that the CO₂ content of the flue gas by actual test of the completed installation is not less than 8 per cent without smoking.

10.2 Plans to be Filed Where Structural Considerations Are Involved.

- 10.2.1 The installer shall file with the Borough Superintendent of Buildings plans showing the size and location of all storage tanks having a capacity greater than 275 gallons where such tanks are to be installed either inside of buildings in or below the lowest floor level or outside of buildings below ground. Plans, however, shall be filed where 275 gallon tanks are to be buried and for all multiple dwellings and for all places of public assembly. All plans, as in this section required, shall be certified to the Fire Commissioner by the Borough Superintendent of Buildings before any work is started. All such plans shall show compliance with all structural requirements and shall show all salient features of the installation. Plans shall also be approved by the Board of Transportation for all tanks

located in or outside of buildings along the line of subways under the limitation in Rule 6.5.1.

10.3 Inspection and Tests of Installations of Storage Tanks and Piping.

- 10.3.1 Storage tanks of approved type and not exceeding two hundred and seventy-five (275) gallons' capacity and all piping for oil connected thereto shall show no leakage when tank and all piping for oil is completely filled with oil when subjected to a test of 10 pounds per square inch for a period of ten (10) minutes in installations in multiple dwellings, places of public assembly and amusement, except that no tests shall be required for installations in occupancies not specifically mentioned herein.

- 10.3.2 Storage tanks of more than two hundred and seventy-five (275) gallons' capacity and all piping for oil connected thereto shall show no change in shape, rupture or leakage when subjected to a hydrostatic test with water or oil as follows:

- 10.3.2.1 Oval, obround, rectangular and specially shaped storage tanks and piping connected thereto, twenty-five (25) pounds per square inch.

- 10.3.2.2 Cylindrical storage tanks and piping connected thereto, fifty (50) pounds per square inch.

Pressure shall be applied for a period of thirty minutes. When oil is used there shall be no fire or flame in the room or rooms in which the test is being conducted. All tests shall be conducted in the presence of a representative of the Fire Commissioner. The contractor shall furnish all necessary equipment for conducting tests. Such test may be made with oil in freezing weather for tanks located outside of building.

- 10.3.3 Defective tanks, if repaired by welding, shall have all oil removed and shall be purged of all explosive gases or vapors.

- 10.3.4 The anti-syphon devices, where used as provided for in these rules, shall be approved devices.

- 10.3.5 All piping conveying oil from a transfer pump to a burner subjected to a pressure in excess of 50 lbs. per sq. inch shall be tested for a pressure of 1½ times the working pressure.

10.4 Fee for Permit and Test of Storage Tanks and Piping.

- 10.4.1 When application for permit is made, as provided for in Rule 10.1, a fee covering the permit shall be paid in accordance with the schedule given in the Administrative Code.

Rule 11. Inspection of Installations With Not More Than Six (6) Gallons' Storage Capacity.

- 11.1 All installations of burners with not more than six (6) gallons' storage capacity except where such installations are made in dwellings shall be

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reported by installer to the Fire Commissioner giving location of building in which installation is made, name and address of owner and/or occupant, name and address of installer and the make and approval number of burner. Such reported installations shall be inspected as required by the Administrative Code.

Rule 12. Ventilation.

- 12.1 No burner shall be installed in any boiler, heater, range or stove unless each boiler, heater, range or stove be connected with a separate flue in a legal chimney, complying with Article 11 of the Administrative Building Code except that in high pressure mercantile and industrial plants several units may be connected to a boiler room stack.
- 12.2 Adequate ventilation, at least equivalent to area of the smoke pipe at the point where it enters the flue, shall be provided in all rooms in which burners are installed.
- 12.3 Dampers shall be so constructed that they cannot completely cut off the passage of flue gases at any time, and on all installations in one and two family dwellings an approved automatic draft control of the same size as the cross-sectional area of the pipe or breaching shall be installed in the breaching or flue pipes.

Rule 13. Automatic Pumps.

- 13.1 Automatic pumps, when not an integral part of the burner shall be of approved type, provided with automatic means for preventing continuous discharge of oil in case of pipe breakage.

Rule 14. Fire Protection.

NOTE: In order that the intent of Local Law No. 145 be carried out, Section C26-693.0, sub. d, par. 1, 2, 3, is superseded by the following:

- 14.1 The clear distance between smoke pipe connections, of any boilers, furnaces or other heating apparatus to flues, and combustible material shall not be less than eighteen (18) inches, except that this clearance may be reduced to nine (9) inches where a baffle consisting of not less than No. 29 gauge sheet metal backed by $\frac{1}{4}$ inch thick asbestos is placed two (2) inches above and extending along the entire length of the smoke pipe connections and twice the width thereof and such baffle is securely fastened from the ceiling with substantial hangers. In lieu of such baffle the combustible material may be covered with fire-retarding material as defined in these rules.
- 14.2 The clear distance between any non-insulated heat-producing parts of boilers, furnaces or other heating apparatus and combustible material shall not be less than twenty-four inches (24"). Where such parts are insulated by two inches (2") of asbestos, or equivalent, the clear distance shall be not less than twelve inches (12"), or, in lieu of such insulation the combustible material shall be covered with fire-retarding material as defined in these rules extending 8 ft. in front and 4 ft. side and rear of the apparatus.
- 14.3 No movable combustible material shall be stored or maintained within five feet (5') of heating apparatus, except where same is protected by fire retarding material.
- 14.4 Burners and all accessories, including tanks and piping, shall be maintained oil tight and kept clean at all times.

- 14.5 The floor beneath boiler or furnace and within five (5) feet in all directions shall be of fireproof construction.

- 14.6 Oil burning devices designed for installation with storage of not more than six (6) gallons shall be firmly anchored to the floor, set level, and the floor beneath the stoves or any such heating devices protected by a shield of $\frac{1}{2}$ " asbestos or equivalent extending at least twelve inches (12") beyond the projected area of such device where required within the specific approval of each burner. Approved safety cans only shall be used for the storage and filling of oil containers. The fuel oil used for these burners shall be range oil or No. 1 or No. 2 fuel oil. The manufacturer or installer of these burners shall within 48 hours after each installation notify the Fire Department in writing of the name of the person to whom this burner is sold and the address of the premises where installed.

- 14.7 Near each boiler or furnace of a fuel oil-burning unit there shall be kept ready for use fire extinguishing equipment of not less than two quart capacity approved as suitable for oil fires or not less than two pails of sand, the pails to have rounded bottom.

Rule 15. Instruction Cards and Certificate of Fitness.

- 15.1 Cards, giving complete instructions for the care and operation of the system shall be permanently fixed near the apparatus in readable condition. Where burners or oil-burning heaters designed for use with storage of not more than six (6) gallons' capacity are installed, there shall also be posted a copy of the specifications under which it was approved by the Board of Standards and Appeals in addition to the instruction card herein provided for.
- 15.2 Every heating system in which the oil is preheated or systems not fully automatic when operating, shall be under the direct supervision of a person holding a certificate of fitness issued by the Fire Commissioner and who shall be in the building at all times while the burners are in operation, except, that a person holding a certificate of fitness as a licensed engineer or as a licensed fireman issued after May 1, 1941 under the provisions of C26-213.0 of the Administrative Building Code, or a person with such license issued prior to May 1, 1941 carrying an endorsement reading "Oil Burners" shall not be required to obtain such certificate.

Rule 16. Modification.

- 16.1 When, for any reason, it may be impracticable to comply strictly with the foregoing rules, the administrative official having jurisdiction shall have power to accept substitute methods provided the spirit and substance of these rules shall be complied with.

Rule 17. Existing Installations.

- 17.1 Oil burner systems heretofore installed and duly approved as complying with all laws and rules then applicable thereto shall be deemed acceptable, provided there have been no subsequent alterations to the apparatus, except as to Rule 15.2.

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RULES GOVERNING THE INSTALLATION OF INTERIOR FIRE ALARM SIGNAL SYSTEMS, ADOPTED BY THE BOARD OF STANDARDS AND APPEALS, SEPTEMBER 27, 1917, AMENDED DECEMBER 6, 1917 AND FEBRUARY 7, 1918 AND REVISED DECEMBER 11, 1936

[108-16-SR]

Chapter 19—487E-2.0.c.1.

Rules for Interior Fire Alarm Signal Systems

Authority: Section 666, subdivision 3 of the Charter of the City of New York to carry into effect the provisions of Chapter 19—487e—2.0, c, Administrative Code and the provisions of Section 279 of the Labor Law.

Scope of Rules

These rules apply to all hotels, as defined in the Administrative Code and the Multiple Dwelling Law; to all lodging houses having more than 15 sleeping rooms, or accommodating more than 15 lodgers above the first or ground story; to all public and private hospitals and asylums having more than 15 rooms, or accommodating more than 15 patients or inmates above the first or ground story; to all nurseries accommodating more than 30 children, or having a Board of Health permit for the accommodation of more than 30 children; to all Turkish or other special treatment bath houses where there are sleeping accommodations for more than fifteen persons on the premises; to all department stores having two or more departments where the public is admitted above the second floor; to all public schools, and to all single and tenant factory buildings, as defined in the Labor Law and specifically required by Section 279 of said Law.

Law

Section 279. Fire Alarm Signal Systems and Fire Drills:

1. Fire alarm signal systems. Every factory building over two stories in height in which more than twenty-five persons are employed above the ground floor shall be equipped by the owner thereof with a fire alarm signal system having a sufficient number of signals clearly audible to all occupants of the building, and so arranged as to permit the sounding of all the alarms within the building whenever the alarm is sounded in any portion thereof. Such system shall be maintained in good working order and no person shall tamper with same or render ineffective any portion thereof except to repair it. A person discovering a fire shall cause an alarm to be sounded immediately. The Board of Standards and Appeals in the City of New York, may make rules and regulations prescribing the number, character and location of the signals and the method and character of the installation, including that of all appliances in connection therewith.

3. Exceptions. Subdivisions one and two of this section shall not apply to a building in which every square foot of the floor area on all stories is protected with an automatic sprinkler system, having two adequate sources of water supply and approved by the public authorities having jurisdiction thereof, and in which also the maximum number of occupants of any one floor does not exceed by more than fifty per centum the capacity of the exits, as determined by subdivisions one, two and three of section two hundred and seventy-eight, in addition to the prescribed occupancy under subdivisions five, six and seven of said section. If the commissioner after investigation determines that the spirit of this chapter is observed and public safety secured, he may permit in place of the automatic sprinkler system before specified, an automatic sprinkler system having one adequate source of water supply and approved by the public authorities having jurisdiction thereof.

Interior Fire Alarms:—In every hotel, lodging-house, public or private hospital or asylum, department store, and public school, there shall be placed and provided, when required by the fire commissioner, an adequate and reliable electrical or other interior alarm system, to be approved by the said commissioner, by means of which alarms of fire or other danger may be instantly communicated to every portion of the building. The fire alarm apparatus and all other appliances placed or kept within any of such buildings for the purpose of preventing or extinguishing fires, or for affording means of escape therefrom in case of fire, shall be kept at all times in good working order and proper condition for immediate use, and any member of the uniformed force or authorized representative of the Fire Department may enter any of the said buildings at any time, for the purpose of inspecting such apparatus or appliances.

Rule 1. Definition of Terms.

- 1.1 The term "non-coded closed circuit fire alarm signal systems" shall mean a fire alarm signal system consisting of sending stations and signaling devices operated on supervised closed electric alternating current circuits, so arranged that the operation of any station will automatically sound the signaling devices throughout all portions of the building.
- 1.2 The term "coded closed circuit fire alarm signal systems" shall mean a fire alarm signal system consisting of sending stations and signaling devices operated on supervised closed electric circuits which transmits rounds of coded signals to indicate the floor or portion of the same from which the alarm was sent.
- 1.3 The term "heretofore" shall mean before December 31, 1936.
- 1.4 The term "hereafter" shall mean after December 31, 1936.
- 1.5 The term "approved" shall mean approved by the Board of Standards and Appeals.
- 1.6 The term "commissioner" shall mean the Fire Chief and Commissioner of the fire department specifically charged with the enforcement of law relating to interior fire alarm systems in the City of New York.

Rule 2. General.

- 2.1 All fire alarm signal systems and devices shall be approved by the Board of Standards and Appeals.
- 2.2 All devices and equipment that have been approved by the Board, shall have securely fastened thereon, a manufacturer's plate bearing the words "Approved by the Board of Standards and Appeals—No.", together with any other electrical data that the Commissioner may require.

Rule 3. Examination and Approval of Plans.

- 3.1 Before the installation or extension of any fire alarm system, specifications and plans thereof, showing complete details of the proposed installation, shall be submitted by the owner or his agent to the Commissioner for examination and approval.

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Rule 4. Classification.

- 4.1 The alarm signal systems shall be classified as follows:
 - (a) Non-coded closed circuit fire alarm systems.
 - (b) Coded closed circuit fire alarm systems.
- 4.1.1 The code numbers that are used shall be submitted for approval to the Commissioner and shall be sounded at least once (1) times for each operation of the signaling station.
- 4.2 A non-coded closed circuit system shall be so arranged that the operation of any station will automatically sound the signaling devices until work is resumed in its original position, and in the meantime the alarm shall be kept in being.
- 4.3 Coded closed circuit system shall be divided into three (3) classes:
 - Class 1—General Systems.
 - Class 2—Pre-signal or dual operation systems.
 - Class 3—Dual and general systems or Duplex systems.
- 4.4 Class 1 system shall be a general alarm system of the coded closed circuit type so arranged that the operation of any station will cause the signaling devices to sound the code number of that station at least once (1) times throughout the building.
- 4.5 Class 2 system shall be a pre-signal or dual operation system of the coded closed circuit type so arranged that the operation of any station will cause the sounding of the signaling devices located in the engine room, elevator shafts, basement or other places in the building where the members of the fire brigade work or assemble.
- 4.6 Class 3 system shall be a dual and general alarm or Duplex system of the coded closed circuit type so arranged that the operation of a station within a unit will cause all of the signaling devices in that unit and all of the signaling devices on the general alarm circuit to sound the code numbers in the unit and unit at least once (1) times.
- 4.6.1 An approved register and time stamp may be used in connection with a Class 3 system when approved by the Commissioner.
- 4.6.2 The register of all closed circuit type shall be separated from a separate closed circuit control board or from separate panel located in a room from that control panel in main control board closed.
- 4.6.3 Approved closed circuit trouble and unit connections shall be installed as part of all Class 3 systems when required by the Commissioner.
- 4.7 Special system shall include a complete Class 1, 2 or 3 system supplemented by special circuits for the operation of other fire alarm devices in the automatic or electric control systems for elevating machinery, closing doors or ventilators as may be required by the Commissioner; or to call the central station of a private operating company or the fire department. Automatic fire detecting systems may be connected to operate an interior fire alarm system when connected thereto by an approved coded transmitter. In no case shall the transmitter be considered to replace the standard approved interior fire alarm station, except where a transmitter has been approved for both purposes. The special control circuits shall be separate and distinct from the fire alarm system but shall be brought into action whenever the fire alarm system is set in operation.

Rule 5. Systems Permitted in Factory and Other Buildings.

- 5.1 Non-coded closed circuit fire alarm signal systems shall be permitted only in a factory building not exceeding five (5) stories in height having not more than twenty-five hundred (2500) square feet in area in any one story and having not more than one hundred (100) persons in a single factory; not more than fifty (50) persons in a multiple tenant factory above the first or ground floor.
- 5.2 Coded closed circuit systems shall be required in a factory building exceeding the requirements of Rule 5.1.
- 5.3 Special fire alarm signal systems shall be permitted in factory buildings at the direction of the Commissioner.
- 5.4 Coded closed circuit systems shall be required in all other types of buildings requiring an interior alarm system.

Rule 6. Installation and Construction Requirements.

- 6.1 All work in connection with the installation of a fire alarm signal system shall be performed in a neat and workmanlike manner to the satisfaction of the Commissioner.
- 6.2 In any fire alarm system there shall be not more than fourteen (14) direct nor more than ten (10) alternating current groups or other approved sounding devices connected in one circuit.
- 6.3 There shall not be in any fire alarm system more than twenty (20) stations connected to one circuit or loop.
- 6.4 All groups and signaling devices shall be located not less than eight (8) feet to the center above the floor.
- 6.5 All fire alarm stations shall be located five (5) feet three (3) inches from handle to floor.
- 6.6 An approved instruction card properly marked and framed under glass shall be installed at each fire alarm station.
- 6.7 All materials and devices used in fire alarm signal systems shall be securely fastened in position in a manner satisfactory to the Commissioner.
- 6.8 For fastening in masonry walls, through bolts, metal expansion sleeves or toggle bolts shall be used.
- 6.9 Wood screws shall be used for fastening equipment to wood surfaces.
- 6.10 The use of nails or wood or fibre plugs is prohibited.
- 6.11 When fire alarm apparatus is mounted upon a wooden back board, such back board shall be not less than seven-eighths (7/8) inch thick, impregnated with a non-shrinkage compound. The back

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board shall be so mounted as to provide an air space of at least one-quarter ($\frac{1}{4}$) inch between the back board and the wall for free circulation of air.

- 6.12 All electrical conductors shall be installed in standard heavy wall, rigid iron or steel conduits protected with an approved rust preventive. Armored cable or flexible conduits will not be accepted.
- 6.13 All conduits shall be grounded to a water pipe by approved ground clamps with a conductor equal to the largest conductor used on the system and the smallest size ground conductors used shall not be less than No. 10 B. & S. gauge.
- 6.14 Splices in electrical conductors in vertical risers shall not be permitted. Splices when necessary in horizontal runs, shall be made in approved junction boxes and shall be properly soldered and taped. The cover of the junction box shall be painted fire department red to indicate that it contains splices. The use of wire nuts or other solderless splicing devices shall not be permitted.
- 6.15 Electrical conduits shall enter only at the side or the bottom of the control cabinet.
- 6.16 In coded fire alarm systems using break glass type stations, at least one (1) extra glass shall be provided for each station in the system.
- 6.17 All openings in walls, floors or ceilings where conduits pass through, shall be properly fire stopped.
- 6.18 Conduits shall contain only conductors used in connection with the fire alarm system.
- 6.19 When special care is taken to insure the wires against injury, four (4) wires may be placed in one-half ($\frac{1}{2}$) inch rigid iron conduits. Conductors shall consist of not less than No. 14 B. & S. gauge copper wire, having rubber insulation wall not less than three-sixty-fourths ($\frac{3}{64}$) inch thick.
- 6.20 Where necessary to assure reliable service, connections of conductors to terminals or binding posts shall be soldered. The use of a blow torch for soldering connections to terminals shall not be permitted.
- 6.21 Where wires pass underground from one building to another, they shall be enclosed in conduits, and shall be lead encased. Wires between buildings, when not run in conduit, shall be at least equivalent in conductivity and tensile strength to No. 8 B. & S. gauge copper wire for box and signaling circuits and shall be supported at least every seventy-five (75) feet on approved glass insulators and brackets, and be protected by approved lightning arrestors when required by the Commissioner. As far as possible, they shall be run under, rather than over, electric light or power wires.

Rule 7. Sending Stations.

- 7.1 There shall be at least one (1) fire alarm sending station in each story of any building requiring a manual fire alarm signal system, located in a natural path of escape from fire at a readily accessible location designated by the Commissioner, which always shall be kept unobstructed. Additional sending stations shall be installed so that no point on any floor in a non-fireproof building shall be more than one hundred (100) feet distant from the nearest sending station upon such floor. In fireproof or sprinklered buildings, the distance shall not be more than one hundred and fifty (150) feet.

Rule 8. Sounding Devices.

- 8.1 Sounding devices shall be sufficient in number to be clearly audible to all the occupants of the building.

Rule 9. Sub-divided Buildings.

- 9.1 Where a building is sub-divided by fire walls, each section shall be deemed a separate building for the purpose of fire alarm signal system installations. One control board may be used, if so arranged, as to operate the signaling devices in each section of the building independently; or may be operated as one unit when deemed necessary by the Commissioner.

Rule 10. Mixed Occupancy.

- 10.1 In buildings requiring fire alarm signal systems, of which parts are occupied by other than factory tenants and in which the conditions of construction and occupancy warrant the establishment of a local fire brigade, the Commissioner may accept dual operation systems.

Rule 11. Existing Installations.

- 11.1 Fire alarm signal systems heretofore installed in buildings in the City of New York and installed in accordance with the rules then in force, shall be accepted as long as they are maintained in proper working order.

Rule 12. Sources of Electrical Energy.

- 12.1 Sources of electrical energy used in operating fire alarm signal systems shall be:
 - 1. Generated electric power, not exceeding a potential of 250 volts, including:
 - (a) Central Stations
 - (b) Isolated Plants
 - 2. Storage battery power
 - 12.1.1 Either source of power shall be used under conditions and limitations as set forth by the Commissioner.
- 12.2 One source of energy shall be connected to the fire alarm system at all times. All auxiliary sources of energy when required shall be so arranged and controlled by an automatic switch that when the primary source of energy fails, the secondary source will be automatically connected to the fire alarm signal system. Intermediate devices are prohibited between the fire alarm control board and the source of current supply, except where specifically approved by the board for the purpose intended.

Central Stations

- 12.3 When the energy for a fire alarm signal system is supplied by a central station power system it shall be accepted as the sole source of supply; connections shall be made on the street side of the service switch except that in cases where the master meter is within thirty (30) feet of the main switch of the premises, permission may be given by the Commissioner to connect to the house side of the meter when a certificate of recent date from an authority of competent jurisdiction has certified that the electrical wiring throughout the premises is in a safe condition. When a house side connection is made, the fire alarm cutout shall be the first connection and as near as possible to the meter. Same shall be enclosed in a locked or sealed metal cabinet, painted fire department red and stenciled "Interior Fire Alarm." Fuses shall be of the enclosed cartridge type. Screw plug fuses will not be accepted. The cutout shall be a three pole cartridge fuse cutout with neutral fuse replaced by a solid copper bar. The smallest size fuse used on a fire alarm system shall be fifteen (15) amperes.

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Isolated Plants

- 12.4 Energy from isolated electric light and power plants shall be used for fire alarm signal systems only when there is a more than one generating unit and the plant is always in operation when the building is occupied. When only one generator unit is employed, the source of energy shall be supplemented by storage battery or other auxiliary service. The fire alarm service connection shall be taken from the main bus of the house switchboard and installed in accordance with the service requirements under central stations. When a house side connection is made, the fire alarm cutout shall be the first connection and as near as possible to the meter. Same shall be enclosed in a locked or sealed metal cabinet, painted fire department red and stenciled "Interior Fire Alarm." Fuses shall be of the enclosed cartridge type. Screw plug fuses will not be accepted. The cutout shall be a three pole cartridge fuse cutout with neutral fuse replaced by a solid copper bar. The smallest size fuse used on a fire alarm system shall be fifteen (15) amperes.

Storage Battery

- 12.5 When a storage battery equipment is used as the sole source of current for a fire alarm signal system, the storage battery shall be provided in duplicate; or an approved type trickle charger may be substituted for the duplicate storage battery located in a room sufficiently ventilated. Such installations shall be equipped with a switchboard or panel of approved material on which are mounted volt meters, ammeters, circuit breakers, fuses, resistances, switches, starting devices for motors, field rheostats for generator and other apparatus required for charging and operating the battery.
- 12.6 Storage batteries shall be so located and ventilated as to avoid danger of sparking contacts igniting flammable gases or vapors.
In no case shall a storage battery be located in the same room with a gas meter.

Rule 13. Acceptance Test.

- 13.1 Upon completion of a fire alarm signal system and as a condition of acceptance, a test of the entire installation shall be made under the direction of the Commissioner.
- 13.2 All systems shall show an insulation resistance of not less than ten (10) megohms with signaling apparatus disconnected.
- 13.3 The owner or contractors shall furnish all the necessary tools, instruments and labor to conduct this test when required by the Commissioner. The contractor shall notify the Department having jurisdiction in writing at the start and upon completion of the installation.

Rule 14. Daily and Monthly Test.

- 14.1 Every fire alarm system shall be tested each morning immediately after the hours of starting work. No such system shall be used for any other purpose, except that the daily dismissal signals may be given if authorized by the Commissioner. The use of the system for fire drill purposes may be considered a test of those parts of the system actually used.
- 14.2 Each sending station shall be tested at least once a month.
- 14.3 All apparatus requiring winding shall be rewound after each operation and kept in normal condition.
- 14.4 A complete record of monthly tests, fire drills and other operations of fire alarm systems shall be kept subject to inspection by the Commissioner.

Rule 15. Maintenance.

- 15.1 Interior fire alarm systems shall be maintained in operating condition at all times, unless the buildings are vacated for a period longer than one week. If the system becomes inoperative at any time, it shall be the duty of the owner or the person designated by him to be in charge of the system to notify all the occupants of the building and to take immediate steps to have the system restored to working order. He shall also place cards on the fire alarm boxes indicating that the system is out of order.
- 15.2 If, for any reason, it becomes necessary to disconnect the source of current of any system, the owner or other responsible person shall notify the Commissioner in advance of such disconnection, stating the reason therefor.
- 15.3 In systems using break glass type stations, at least one (1) extra glass for each station in the system shall be kept on the premises.

Rule 16. Alarm Boxes.

- 16.1 In fire alarm signal systems the metal case enclosing exposed or surface alarm boxes shall be of cast iron and drilled and tapped to receive the conduit. When exposed to moisture the box shall be enclosed in a suitable weather-proof outer shell. In new buildings, approved back boxes embedded in the wall may be used and the conduits shall be properly secured by lock nuts and bushings.
- 16.2 All current carrying parts shall be insulated from parts of opposite polarity with approved insulating material.
- 16.3 All coded pull lever type stations shall be fitted with a door to protect the pull lever against accidental injury. Such door shall have a handle rigidly secured thereon and be so constructed as to open readily. The wording "In Case of Fire Open Door and Pull Down Lever" in raised letters or equivalent instructions shall appear on the door.
- 16.4 All break-glass type fire alarm boxes shall be provided with suitable hammers on chains of approved type attached to or near the boxes with which the glass can readily be broken; or other methods may be used to break the glass when approved by the Commissioner.
- 16.5 All break-glass boxes shall have in raised letters on the fronts, the words "Fire Alarm—In Case of Fire Break Glass," and such additional instructions as may be necessary to send an alarm.
- 16.6 The box or station shall be so designed that once started, the proper transmission of a complete set of signals cannot be interfered with by manipulation of its starting device.
- 16.7 Each closed circuit coded box or station shall be arranged to send a definite code of signals to indicate the floor or portion of same on which it is located.
- 16.8 Not less than three (3) or more than twenty (20) taps or blasts shall be given at each revolution of the code wheel.
- 16.9 The code wheel shall revolve at least four (4) times for each operation of its starting device and be of metal properly insulated from ground.
- 16.10 Boxes or stations used in systems in which whistles, vibrating bells or horns are employed shall be so timed that the sounding devices will give the code signal clearly.
- 16.11 Contact point shall be in multiple.
- 16.12 Contact points and contacts of the testing devices

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shall be of silver or other approved material and be of the scraping type, secured in a substantial manner to phosphor bronze or other approved material springs, and be so designed as to positively break a circuit carrying one-tenth (1/10) ampere at two hundred and fifty (250) volts under actual working conditions.

- 16.13 Lever boxes shall be so designed as to automatically wind when the lever is pulled for an alarm. Boxes requiring glass replacements shall be so arranged that replacement cannot be made without resetting mechanism for another alarm.
- 16.14 Where it becomes necessary to install more than one set of contacts operating from code wheel, permission in writing in advance must be obtained from the Commissioner. This shall not include pre-signal features.
- 16.15 The box shall have plainly marked thereon its code signal number.

Rule 17. Non-Coded Boxes.

- 17.1 Non-coded closed circuit fire alarm stations may be operated by a break-glass or pull lever device so arranged that the alarm cannot be interfered with except by resetting or replacement of the glass by an authorized person.
- 17.2 The construction and materials shall be equal to that of the standard approved type coded closed circuit station except that the contacts shall be of ample capacity to safely carry the entire operating current of the gong circuit without excessive heating.

Rule 18. Station Testing Devices.

- 18.1 Each fire alarm system shall be provided with an auxiliary device to test the signaling devices, located in one of the alarm boxes or mounted on the control board. Such testing devices shall be arranged to make the test without operating the break wheel of the box or interfering with the dual operating feature.
- 18.2 Provision shall be made for a silent test of coded alarm box mechanisms without operating the signaling devices. Such device shall be designed to prevent any persons except those in authority from operating the same and to prevent the possibility of the box being left inoperative after the test.

Rule 19. Supervising Current.

- 19.1 A small current flow to constantly supervise each circuit shall be maintained. A milliammeter, or other approved current indicator shall be provided and so connected as to indicate the supervising current.
- 19.2 The supervising circuit shall be provided with a trouble bell operating on open circuit arranged to ring continuously in case of failure of the system. The trouble bell shall be so located that it will be within audible range of some responsible person in the building and shall be connected to the electric light or power service in the building. Permission may be granted by the Commissioner to connect the trouble bell to a battery of approved type.
- 19.3 Trouble bells shall not be fitted with silencing switches except in such a manner that the act of silencing the bell by the operation of the switch, automatically and positively transfers the trouble signal to a red lamp on the control board fed by some auxiliary source of current supply. This auxiliary source of current shall be a house lighting circuit or any other approved source.

- 19.4 The trouble bell shall be of an approved design of the vibrating type and give a distinctive signal.

Rule 20. Protection of Sending and Sounding Devices.

- 20.1 In fire alarm signal systems, all moving parts of sending stations and sounding devices shall be enclosed in metal casings, made dust-proof and damp-proof when necessary, and clearly marked with instructions for use.
- 20.2 Whenever necessary, hammer rods of gongs shall be suitably protected against mechanical injury or derangement by the use of a guard or other suitable means. If subject to mechanical injury, the entire device shall also be enclosed in a protecting case made of approved wire netting or perforated metal. All casings shall be insulated from current carrying parts, but shall be grounded to the conduit.

Rule 21. Standards of Electric Alarm Apparatus.

- 21.1 All electrically actuated apparatus used in fire alarm systems shall be so designed and constructed that it will operate satisfactorily at a current flow of twenty-five (25) per cent above or below the normal operating current.

Insulation

- 21.2 Insulating materials used in electric fire alarm signal systems shall be varnished cambric, bakelite, mica or other approved insulating material.
 - 21.2.1 The use of fibre or paper as an insulating material for fire alarm signal systems shall not be permitted.
- 21.3 The insulating material used on electric fire alarm signal systems shall be capable of withstanding an insulation break-down test of one thousand (1000) volts A. C. plus twice operating voltage applied for one (1) minute.

Electro-Magnets

- 21.4 Electro-magnet windings shall be impregnated with an insulating moisture repelling compound or shall be of silk enameled wire.
- 21.5 Electro-magnet coils to be used on alternating current when composed of enameled wire shall have an additional approved insulation on each wire. The coils may be of the form wound type.
- 21.6 A protective cover to prevent mechanical injury shall be provided over the entire coil.
- 21.7 Electro-magnet coils shall be securely fastened to prevent floating.
- 21.8 Electro-magnet cores shall be of the best grade of ferrous material so as to reduce to a minimum the possibility of failure due to residual magnetism.
- 21.9 Electro-magnet cores for use on alternating current shall be of laminated construction or other approved method to prevent heating and promote efficiency.
- 21.10 Electro-magnet cores of relays and gongs shall be treated to prevent corrosion.
 - 21.10.1 Paint or varnish for this purpose shall not be used.
- 21.11 Non-magnetic freeze pins shall be used which will prevent two magnet surfaces coming in actual contact.

Gongs

- 21.12 Gong shells shall be pinned to prevent turning and then securely fastened to its support by a machine cap screw at least three-eighths ($\frac{3}{8}$) inch in diameter.

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21.13 Gong shells shall be covered with an approved rust preventive.

21.14 The gong shell support and gong frames shall be cast in one piece.

Wiring

21.15 All connections shall be properly protected, securely made and where subject to motion shall be of approved flexible wire.

21.16 All wiring of control board, station and gong circuits shall be at least No. 14 B. & S. gauge.

21.17 Binding posts shall be of such a character that the wire is held between two flat surfaces.

21.18 Binding posts shall be mounted on an approved terminal block or insulating strip spaced not nearer than one-half ($\frac{1}{2}$) inch to each other, unless separated by approved barriers.

Relays

21.19 The armatures of all relays shall depend on gravity or magnetic attraction for their operation.

21.19.1 This action may be assisted by flat type springs when approved by the Commissioner.

21.19.2 The use of spiral springs is prohibited.

21.20 Adjustments shall be of such a character that they can be securely locked.

21.21 Contact points shall be ample in area not only to take care of current used in operation but to insure long life and shall be of pure silver, or other approved material, properly riveted to their support.

21.22 Contact arms shall be of phosphor bronze and be of the dead beat type.

21.23 Contact assemblies shall be of such a character that their operation will be of a scraping self-cleansing nature.

21.24 The use of condensers across contacts to absorb the arc or in any part of a fire alarm circuit is prohibited.

21.25 Relays shall be free from objectionable hum when used on alternating current.

Rule 22. Time Limit Delay Device.

22.1 All gong circuits shall and special signal apparatus may when required by the Commissioner, be protected by a Time Limit Delay Device.

Note: This time limit delay device shall consist of a heating coil so designed that the normal operating current will have little or no effect upon a thermostatic bi-metal bar or strip contained therein. Any abnormal increase over operating current or the continued accumulative heating effect thereof after a period of not less than three (3) minutes nor more than twenty (20) minutes shall cause the thermostatic element to expand. The expansion of this element shall automatically open the source of current supply to the gongs or devices protected.

22.2 The operation of the time limit delay device shall cause the trouble bell to ring.

22.3 Time limit delay devices shall be so connected in the fire alarm circuit that their operation will not open the fire alarm box circuits.

22.4 Where due to the extent of the installation, it becomes necessary to install a number of time limit

delay devices, the operation of a single time limit delay device shall not affect other sounding devices similarly protected.

22.5 A contactor relay to operate the sounding devices shall be provided on all direct current gong circuits exceeding three (3) and all alternating current gong circuits exceeding two (2) in number.

22.6 Gong circuits not requiring contactor relays shall be operated by contacts properly placed on the armature of the box circuit relay.

22.7 A separate time limit delay device, contactor relay, contactor supervisory relay and gong supervisory relay shall be provided for each four (4) gong circuit or fraction thereof.

Switches

22.8 Triple pole, double throw, broken back knife switches properly supervised and connected to emergency resistors shall be provided on all box and gong circuits when they exceed three (3) in number.

Instruments

22.9 A separate approved milliammeter or other approved current indicating device shall be provided for the box circuit and each four (4) gong circuit on the control board when the gong circuits exceed three (3) in number. A separate milliammeter shall be provided to indicate the supervisory current of contactor relays and emergency switch circuits. This meter shall be known as the Board Meter.

Resistors

22.10 Resistors shall be mounted on the front or face of control panels and shall be of vitreous enameled type.

Note: Wire wound resistors when protected by a suitable metal guard may be used in special cases when approved by the Commissioner.

22.11 Ferrule or knife contact type resistors shall not be used.

22.12 A protective resistor shall be placed in the negative or live lead of all box circuits to protect the contacts of the boxes in the event of a ground.

22.12.1 This resistor shall be not less than three hundred (300) nor more than seven hundred and fifty (750) ohms resistance.

Rule 23. Control Boards.

23.1 All relays, current indicators, resistances, time limit delay devices and other apparatus used in connection with the operation and supervision of closed circuit fire alarm signal systems shall be properly mounted on a panel of approved material, in a metal cabinet provided with lock and key. The control board shall be located in a place subject to the least vibration, free from moisture, inflammable gases, dust and mechanical injury and under frequent view of a responsible occupant of the building delegated by the owner to be in charge.

23.2 Control board panels shall be of insulating material such as ebony asbestos, bakelite or other approved materials at least one-half ($\frac{1}{2}$) inch in thickness.

23.3 Control boards mounted in each cabinet shall be securely fastened in each corner.

23.4 Provision shall be made for ample wire gutter space around the panel.

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- 23.5 Conduit knockouts shall not be provided in top of control board cabinet.
- 23.6 An approved wiring diagram of the alarm system and card of instruction properly marked and securely fastened shall be provided within the control board cabinet. When it becomes necessary to mount the diagram outside of the cabinet, the diagram shall be properly framed under glass.
- 23.7 All control board cabinets shall be provided with sight hole and glass panel to make meters on the inside of the cabinets visible from the outside.
- 23.8 Wires in gutter spaces shall be properly laced in a neat and workmanlike manner on all control boards having a capacity for more than three (3) gong circuits.

Rule 24. Battery Cabinets.

- 24.1 All electric batteries for fire alarm signal systems shall be placed in substantial protecting cabinets thoroughly ventilated, elevated not less than one (1) nor more than five (5) feet above the floor and located in clean, dry and cool places where the temperature will not be less than forty (40) nor more than one hundred and ten (110) degrees Fahrenheit. Main battery cabinets shall be so constructed that the condition of the elements may be observed without disturbing the cells.
- 24.2 Metal battery cabinets shall be constructed of sheet iron or steel, not less than No. 14 U. S. gauge in thickness, properly reinforced by angle irons, with self-closing doors provided with lock and key and wood shelves not less than seven-eighths ($\frac{7}{8}$) of an inch thick, unless the battery is of the spray-proof type, properly fastened and secured to prevent sagging. The interior and the exterior of the cabinet shall be protected with three (3) coats of asphaltum compound, each coat to be thoroughly dry before the next is applied, or with baked enamel.
- 24.3 Wood battery cabinets shall be constructed of the first grade of kiln dried wood not less than seven-eighths ($\frac{7}{8}$) of an inch thick and shall be provided with self-closing door and approved lock. The shelves shall be not less than seven-eighths ($\frac{7}{8}$) of an inch thick properly fastened and secured to prevent sagging. The cabinet shall be of substantial construction painted on the interior with three (3) coats of asphaltum compound and on the exterior with three (3) coats of lead paint or two (2) coats of varnish.
- 24.4 Storage batteries may be placed on enameled metal battery racks, provided the batteries are installed in a place where they will not be subject to mechanical injury, and will be ventilated as required in Rule 12.6

Rule 25. Painting of Equipment.

- 25.1 All enclosing cases for fire alarm apparatus shall be finished in fire department red, except where special permission is given by the Commissioner to deviate from this requirement.

Rule 26. Closed Circuit Annunciators.

- 26.1 Annunciators used in connection with Class 3 fire alarm systems shall be of an approved closed circuit type.
- 26.2 The annunciator shall have approved type of relays equipped with a suitable target, shutter or other indicating device.
 - 26.2.1 The indicating device shall have marked thereon a suitable description of the purpose it serves.

- 26.3 The printed designation on unit or building annunciator's indicators shall be legible. The mechanism shall be so arranged that once operated the indicating device shall be reset manually.
- 26.4 A unit annunciator shall be so designed that the operation of any station in the unit shall cause a visible and audible signal.
- 26.5 The unit annunciator shall be actuated by contact on code wheel of the fire alarm station or by contact on a relay connected to the fire alarm box circuit. In no case shall the station fire alarm circuit be used for this purpose.
- 26.6 Trouble annunciators shall be so arranged that the indicating device will reset automatically when cause of trouble has been removed.
- 26.7 The trouble annunciator shall be so designed that it will indicate visible and audible trouble signals in the event of trouble occurring on any circuit, control board or unit annunciators.
- 26.8 The trouble annunciator shall be actuated by the operation of contacts on all supervisory relays.
 - 26.8.1 Each relay of this annunciator shall be provided with two (2) sets of contacts so arranged that one will operate the one hundred and ten (110) volt trouble signal, the other set to actuate the register if a register is used.
- 26.9 A trouble buzzer switch and lamp shall be mounted on the inside of each unit annunciator cabinet on the panel.
- 26.10 A trouble bell, switch and lamp shall be mounted on the inside of each trouble annunciator cabinet on the panel. Trouble bell may be placed at a distance from the annunciator by special permission of the Commissioner.
- 26.11 Relay drops of annunciator shall be so designed that vibration from without or that caused by the trouble signal within will not operate the indicating devices.
- 26.12 All annunciators shall be installed in a separate red enameled steel cabinet provided with an approved lock and key.
- 26.13 Annunciators shall be properly marked in white letters at least one (1) inch high with the words: "Fire Alarm Annunciator" Zone—or "Fire Alarm Trouble Annunciator," whichever the case may be.

Rule 27. Licensed Contractors.

- 27.1 No person shall install, alter or repair or cause to be installed, altered, or repaired electrical wiring or apparatus for fire alarm systems in any building, except a person holding a license, or a special license in accordance with Chapter 30, Article 1, of the Administrative Code. The enforcing authority shall not approve any installation, alteration or repair done in violation of this rule.

Rule 28. Used or Rebuilt Apparatus.

- 28.1 Used apparatus shall not be re-used for any interior fire alarm system under these Rules and Regulations until the same has been reconditioned in the shop of a reliable manufacturer building interior fire alarm apparatus which has been approved by the Board of Standards and Appeals. Approval in writing shall be obtained from the enforcing authority prior to installation. The enforcing authority shall not approve for use, used or reconditioned apparatus that may not give satisfactory service.

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RULES RELATIVE TO SUBMERGED INLETS AND PROTECTIVE METHODS TO BE APPLIED TO PREVENT CONTAMINATION OF WATER SUPPLY

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS FEBRUARY 3, 1939, EFFECTIVE IN ACCORDANCE WITH SECTION 666, PARAGRAPH 2, OF THE NEW YORK CITY CHARTER, FEBRUARY 27, 1939, AS AMENDED DECEMBER 4, 1942, EFFECTIVE DECEMBER 28, 1942.

(835-38-SR)

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraph 2 of the New York City Charter pertaining to Sections C-26-1268.0,c,4, and C26-1277.0h. of the Administrative Building Code.

Rule 1. Vacuum Breakers.

All vacuum breakers prescribed under these rules shall be set at least four inches above the flood level rim of fixtures or as otherwise specifically provided for in these rules. Each fixture with submerged inlets shall be independently controlled by an approved vacuum breaker or breakers the full size of supply pipe, as set forth in these rules.

Rule 2. Submerged Inlets.

Water supply inlets to fixtures shall be located at least one inch above the flood level rim of the fixture, except when submerged inlets are absolutely essential for the proper functioning of a fixture, or as otherwise provided for in these rules.

Water supply lines to water preheating apparatus utilizing waste water shall be equipped with an approved vacuum breaker located at least four feet above the highest elevation of the preheating apparatus or coil, with a check valve between the vacuum breaker and the preheating apparatus. Any hot water boiler supplied through such preheating device and having an independent cold water supply line shall have the cold water supply line equipped with a vacuum breaker and check valve located at least four inches above the highest elevation of the boiler.

Rule 3. Flush-Valve Fixtures.

Flush-valve controlled fixtures, with submerged inlets supplied directly or indirectly from the City Water Supply System, shall be equipped with an approved vacuum breaker in the supply line not less than four inches above the flood level rim of the fixture.

Rule 4. Ballcocks.

All flush tanks operated by ballcocks shall have an approved vacuum breaker located not less than three-quarter inch above the overflow outlet of the flush tank.

Ballcocks controlling water supply to suction, roof or other intermediate tanks shall be located at least one inch above the flood level rim of the tank excepting that in roof tanks equipped with an overflow of a size at least one commercial diameter larger than the water supply pipe, the ballcock may be located two inches above the highest elevation of the overflow pipe. The overflow and emptying pipes of roof, suction and intermediate tanks shall not be directly connected to a drainage system, notwithstanding the permissive provisions of Section C26-1273.0,d of the Administrative Building Code for connection to a leader.

Rule 5. Sterilizers.

Direct water supply connections to all sterilizers are prohibited, except such equipment as is approved by the Board. When approved sterilizers are used, the waste piping from sterilizers shall not connect directly with any drainage system.

Rule 6. Aspirators—Water Siphons.

Direct water supply connections to aspirators, water siphons or similar apparatus is prohibited except when approved by the Board. The waste pipe for this type of apparatus shall not connect directly with any drainage system.

Rule 7. Bidets—Bed Pan Washers.

Direct water supply connections to a bidet is prohibited. Water supply connection to bed pan washers or similar apparatus shall be equipped with an approved vacuum breaker and check valve, the latter located between the fixture and the vacuum breaker. Water supply to bed pan washers equipped with an approved flush valve shall be governed by Rule 3.

Bed pan washers may be equipped with steam connections only when such equipment has been approved by the Board.

Rule 8. Sump or Well Pumps.

Direct water supply connections for priming purposes to sump, well or similar type pumps when permitted by the Department of Water Supply, Gas and Electricity shall be connected to the inlet side of the pump and be equipped with an approved vacuum breaker and check valve, the check valve to be located between the pump and the vacuum breaker.

Rule 9. Condensers.

Direct water connection to refrigeration unit for cooling purposes shall be equipped with an approved check valve to prevent possible back flow of ammonia or other refrigerant from defective condenser coils or jackets, except in such installations where the water supply piping is entirely outside of the piping or tank containing the refrigerant and two independent wall thicknesses of metal separate the refrigerant from the city water supply. Refrigeration units containing more than twenty pounds of refrigerant shall be provided with an additional safeguard in the form of an approved relief valve installed at the outlet side of the check valve, such relief valve being set at five pounds above the maximum water pressure at the point of installation. Direct water connection is prohibited under Section C26-1223.0 Administrative Building Code.

Rule 10. Mortuary, Dissection, Operating and Embalming Tables or Equipment.

Mortuary, dissection, operating and embalming tables or equipment shall have no direct water supply connection. Hose used with such equipment shall terminate at least 12 inches at any point from the table or attachments.

Rule 11. Dishwashing and Laundry Machines.

Direct water supply to dishwashing and laundry machines shall be equipped with an approved vacuum breaker and a check valve located between the vacuum breaker and the fixture. The vacuum breaker shall be located at least 4" above the highest elevation of the machine.

Rule 12. Chemical Solution Tanks or Apparatus.

Direct water supply connections, when permitted by the Department of Water Supply, Gas and Electricity, to any tank or apparatus containing any chemical shall be equipped with an approved vacuum breaker and a check valve located between the vacuum breaker and the tank or apparatus.

RULES

FIRE RETARDING RULES FOR GARAGES, ETC.

Adopted by the Board of Standards and Appeals Aug. 30, 1917; Amended Nov. 1, 1917, and Feb. 3, 1922.

Rule 1. Fire Retarding Materials for Garages, Motor Vehicle Repair Shops and Oil Selling Stations. In garages, motor vehicle repair shops and oil selling stations any material or form of construction shall be deemed fire-retarding within the meaning of Section C26-254.0 of the building code, that resists the action of flame and heat when subjected to a continuous fire for one hour at an average temperature of seventeen hundred (1700) degrees Fahrenheit without the passage of flame, and with a maximum temperature rise to four hundred (400) degrees Fahrenheit on the side away from the fire. The point at which the temperature of a transmitted heat is measured shall be protected from external air and weather conditions.

When the test specimen is in the form of partition construction, the area under test shall be not less than one hundred (100) square feet and least dimension shall be not less than nine (9) feet. When in the form of floor construction, the area under test shall be not less than two hundred (200) square feet and the least dimension shall be not less than fourteen (14) feet.

During the fire, the floor construction shall support the live load for which it is designed and after the fire shall safely sustain twice the designed live load with a maximum deflection of not more than one two-hundredth ($1/200$) part of the span.

Rule 2. Wood Joisted Floor Construction. Wood joisted floor construction shall be accepted as fire-retarding construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations when the beams are protected on the upper and under sides with the fire-retarding materials specified in rules for floor and ceiling coverings.

Rule 3. Floor Covering. Any one of the following forms of construction shall be accepted as fire-retarding for the covering of the upper sides of wood floor beams in joisted floor construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations.

(a) Seven-eighths ($7/8$) inch wood underflooring protected with a membrane of two-ply waterproofing covered with not less than two and one-half ($2\frac{1}{2}$) inches of 1:2½:5 concrete or better, reinforced with not less than one-fourth ($1/4$) of one (1) per cent of steel mesh:

(b) Two and one-half ($2\frac{1}{2}$) inches of 1:2:4 concrete applied directly to the top of the joists, with or without temporary support, reinforced with not less than one-fourth of one per cent steel rods, mesh or steel lath, and having the tops of the joists coated with approved waterproof paint or protected by tar paper on the top and on the sides for a distance of three inches from the top.

Rule 4. Ceiling Covering. Any one of the following forms of construction shall be accepted as fire-retarding for the covering of the undersides of wood floor beams in joisted floor construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations:

(a) One-half ($1/2$) inch plaster boards, or three-eighths ($3/8$) inch gypsum wall boards weighing not less than 16 pounds per square yard with pointed joints covered with No. 26 U. S. gauge sheet metal with one (1) inch lapped seams nailed to the wood beams when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are spaced more than sixteen (16) inches on centers;

(b) Two thicknesses of one-quarter ($1/4$) inch asbestos board laid with tight staggered joints and nailed to the beams, when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the

floor beams are more than sixteen (16) inches on centers;

(c) Metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters ($3/4$) inch thick.

Rule 5. Attachment to Ceiling. Fire-retarding ceilings in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations shall be attached to wood floor beams and girders in such manner as to maintain an air space between the wood beams and all wood beams shall be seasoned before applying the protective coat.

Rule 6. Openings in Fire-Retarding Floors. Pipes or conduits which pass through floors shall be fitted with metal thimbles and made watertight for a height of three (3) inches above the floor.

Rule 7. Columns. All structural posts and columns in non-fireproof buildings required to be fire-retarded shall be protected with fire-retarding materials specified for ceiling coverings in these rules, or with any of the materials accepted in fireproof construction; except that an air space shall not be required around steel or cast iron columns.

Where necessary for protection against mechanical injury, the fire-retarding protection on columns shall be jacketed to a height of five (5) feet from the ground with No. 4 U. S. gauge metal.

Rule 8. Girders. All girders in non-fireproof buildings required to be fire-retarded shall be protected with the fire-retarding materials specified for ceiling coverings in these rules, or with any of the materials acceptable in fireproof construction; except that an air space need not be provided around steel girders.

Rule 9. Shaft Enclosures. Existing stairways and vertical shafts in non-fireproof business buildings hereafter converted to be used as garages, motor vehicle repair shops or oil selling stations shall be enclosed in fire-retarding partitions continued through the non-fireproof floor construction, and when unfilled wood stud partitions are used, the space between the floor beams shall be fire-stopped with incombustible materials. All openings in such partitions shall be protected with accepted metal-covered fire doors or windows. Wherever necessary for protection against mechanical injury, the partition shall be jacketed to a height of five (5) feet on the garage side with No. 4 U. S. gauge metal. Any one of the following forms of partitions shall be accepted for the enclosure:

(a) Two by four inch wood studs, spaced not more than sixteen (16) inches on centers, covered both sides with metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters ($3/4$) of an inch thick;

(b) Two by four inch wood studs placed not more than sixteen (16) inches on centers, covered both sides with seven-eighths ($7/8$) inch wood sheathing, one-half ($1/2$) inch plaster boards with pointed joints and No. 26 U. S. gauge sheet metal with one-inch lapped seams;

(c) Two by four inch wood studs spaced not more than sixteen (16) inches on centers, covered both sides with seven-eighths ($7/8$) inch wood sheathing, two thicknesses of one-quarter ($1/4$) inch asbestos boards laid with tight staggered joints and jacketed with No. 16 U. S. gauge metal on the garage side to a height of five (5) feet;

(d) Two by four inch wood studs spaced not more than sixteen (16) inches on centers, filled in solidly between the studs with four inches of approved fireproof materials and covered on both sides with No. 26 U. S. gauge metal;

(e) Existing wood stud, lath and plaster partitions covered on the garage side with No. 26 U. S. gauge sheet metal with one inch lapped seams.

RULES

RULES FOR TESTS OF FIRE-RESISTIVE, FLAMEPROOFED MATERIALS, SUCH AS TEXTILES, PAPER, SIMILAR MATERIALS AND ADHESIVES USED FOR DECORATIVE PURPOSES AND TREATED ACOUSTICAL DRAPERIES, CARPETS AND SIMILAR MATERIALS FOR USE IN PLACES OF PUBLIC ASSEMBLY AND SPECIAL OCCUPANCY STRUCTURES.

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS MAY 3, 1940. EFFECTIVE, IN ACCORDANCE WITH SECTION 665, SUBDIVISION C, OF THE NEW YORK CITY CHARTER, MAY 27, 1940.

[Cal. No. 294-40-SR]

AUTHORITY:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraph 2, of the Charter of the City of New York and Section C26-721.0b (12.2) as amended by Local Law No. 170, approved November 14, 1939, and Section C19-161.1 Local Law No. 112, approved July 18, 1939.

1.0 SCOPE

These requirements apply to flameproofed combustible materials used for decorative or other purposes within special occupancy structures as defined in Section C26-715.0 (12.1.1) and other places of public assembly as provided in Section C-19-161.0, which was amended by Local Law No. 112.

2.0 GENERAL REQUIREMENTS

It shall be unlawful for any person to use any decorations, drape, curtain or scenery used for artistic enhancement which is made of combustible material, unless painted or saturated with a non-combustible material or liquid or otherwise rendered safe against fire to the satisfaction of the Fire Commissioner and in accordance with the requirements of these Rules, in any building of a public character, including a hotel, theatre, restaurant, public hall, department store, and a building used or intended to be used for purposes of public assembly, amusement or instruction, and a building where large numbers of persons congregate (See Section C19-161.1) except as exempted in Rule 7.

After flameproofing, such processing as ironing, sewing and normal handling shall have no detrimental effects on the treatment of the material.

3.0 APPROVAL OF MATERIALS AND METHODS USED IN FLAMEPROOFING TEXTILES, ETC.

3.1 No materials or methods for flameproofing combustible materials for use under these Rules shall be used unless approved by the Board.

4.0 FLAMEPROOFING PROPERTIES.

The flameproofed material, when subjected to the test described in Rule 5.0, shall meet the following requirements as to fire-retardant properties.

4.1 FLASHING—No flashing shall occur at any time on the length of the test specimen. A flashing due to fuzz or bad edges may be disregarded.

4.2 DURATION OF FLAME—The average continuation of flaming shall not exceed 3 seconds.

4.3 DURATION OF GLOW—The average continuation of glow at the edge of the charred area shall not exceed an additional twenty seconds after the cessation of flaming. Glow confined to the charred area may be disregarded.

5.0 TESTS.

Tests for each specific installation of originally treated combustible material, or any re-tests thereof, shall be made by the Fire Commissioner, or in a laboratory approved by him, in accordance with the requirements of these Rules.

5.1—SAMPLING FOR TEST SPECIMENS—

Samples of each variety of material and for every kind of treatment shall be subject to separate tests. Samples shall be of sufficient size to furnish test specimens provided for in Rule 5.2. At least three samples shall be furnished for every 500 square feet or fraction thereof.

5.2—TEST SPECIMENS—Specimens for test shall be 2 in. wide and 12½ in. long and shall be numbered on one end. Test specimens shall be carefully cut from at least three different places in the material to provide a minimum of three test specimens from each material for testing.

5.3 CONDITIONING OF TEST SPECIMENS—The test samples or test specimens shall be dried for 24 hours in a room of average temperature of 70° F., with an average humidity of 40%.

5.4—TEST FOR PERMANENCE OF CHEMICALS—Test specimens shall be suspended by folding and pinning one-half inch of the numbered end over a horizontal 8-gauge wire, placed two inches above the center of a 7-inch opening in a 3 ft. wind tunnel arranged to deliver a wind velocity to the air, at the tunnel end, of 700 lineal feet, plus or minus 50 ft. per minute, as measured by a suitable anemometer on a line with the wire. In this position the test specimens shall be whipped for five minutes. Immediately upon conclusion of this test, the specimens shall be placed in a closed dry container until required for the flame test.

5.5 APPARATUS FOR FLAME TEST—The apparatus shall consist of a ring stand 20 inches high with an adjustable clamp housed in a metal shield 12 inches square and 20 inches high, open in front and at both ends and a Bunsen or Tirrill gas burner which shall have a tube of ¾-inch inside diameter.

5.6 FLAME TEST—A whipped test specimen shall be taken from the closed container required in Rule 5.4 and suspended vertically with one-half inch of the numbered end in a clip held in a clamp on the ring stand so that the test specimen shall hang vertically within and near the center of the metal shield required in Rule 5.5. The lower end of the test specimen shall be three-quarters of an inch above the top of the gas burner on which the air supply is shut off completely and adjusted to give a luminous flame 1½ inches long. The flame shall be applied for 12 seconds, then withdrawn. The result of the test for duration of flame and duration of glow of the three test specimens shall each be averaged and recorded. Flashing, if any, shall be noted.

6.0 APPROVAL AND CERTIFICATION.

The approval of materials that have been flameproofed, as provided in Rule 1.0 and tested as required in Rule 5.0 with flameproofing properties as given in Rule 4.0, shall be limited to one year. An affidavit by the person, firm or corporation flameproofing the combustible materials shall be filed with the Fire Commissioner stating that the flameproofing compound and method complies with the approval of the Board, with calendar number thereof, and including the date of treatment and warranted period of effectiveness of the flameproofing.

6.1 The Fire Commissioner may require check tests at any time. Upon the termination of the approval, as provided for in Rule 6.0, a retest of the flameproofed combustible materials shall conform to the following:

Flameproofed materials shall withstand a test of at least 400° F., as measured by a pyrometer, or other acceptable method, for approximately one-minute's duration by means of an open flame. Under such test, the flameproofed material shall not flash or support combustion and shall not glow outside of the char if a char is set up by the open flame. Material found not to conform to these requirements, shall be removed and replaced with materials conforming to the requirements of Rule 4.0.

7.0 EXEMPTION.

These Rules shall not be construed to apply to merchandise for sale or displayed for sale, to guest rooms in hotels, to offices, to works of art in museums, nor to churches or places of religious worship.

RULES

RULES FOR FUSION WELDING AND GAS CUTTING

RULES COVERING THE SPECIFICATIONS FOR DESIGN, FABRICATION AND INSPECTION OF FUSION WELDED STRUCTURES AND THE QUALIFICATIONS OF WELDERS AND SUPERVISORS

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS FEBRUARY 25, 1938.
EFFECTIVE MARCH 21, 1938, AND AMENDED MAY 17, 1940, EFFECTIVE JUNE 10, 1940.

[Cal. No. 1-38-SR]

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraph 2, of the Charter of the City of New York and C26-514.0 of the Administrative Code (8.6.2.2).

SCOPE.

These rules are supplementary and additional to the requirements for Fusion Welding as permitted under C26-514.0 of the Administrative Code (8.6.2.2) reading:

Fusion welding may be substituted for, or used in combination with, riveting or bolting to connect or assemble the component parts of steel beams, girders, lintels, trusses, columns and other structural steel used in building construction if done under rigid inspection and specification, in accordance with the rules of the Board. These Rules shall also apply to gas cutting.

NOTE: Where a reference in parenthesis appears after the Administrative Code Section, it refers to the Section of the New Building Code as formerly numbered.

Rule 1. Application For Permits.

- 1.1 No person shall perform gas or electric welding on structures or parts thereof erected or to be erected within the City of New York except as provided in these Rules and in conformity with C26-211.0 of the Administrative Code (2.3.2).
- 1.2 The commencement of any structural welding work is forbidden until an application for a permit to perform such work is filed with and approved by the Borough Superintendent. The Borough Superintendent shall be notified in writing at least 48 hours prior to the date when the structural welding work is to commence. C26-172.0 of the Administrative Code (2.1.1.12).

Rule 2. Definitions.

- 2.1 ARC WELDING. A fusion welding process wherein the welding heat is obtained from electric arc formed between the base metal and metal electrode.
- 2.2 BASE METAL. The metal upon which the weld or cut is made.
- 2.3 BUTT WELD. A butt weld is a weld whose throat lies in a plane disposed approximately 90 degrees with respect to the surfaces of at least one of the parts joined. The size of a butt weld shall be expressed in terms of its net or unreinforced throat dimension in inches. C26-158.0 of the Administrative Code (.149).
- 2.4 CONTINUOUS WELD. A weld which is uninterrupted throughout the length of the joint.
- 2.5 CRATER. An unfilled concave depression in the fusion area of an arc weld resulting from penetration of the welding arc into the metal thereunder.
- 2.6 FILLER METAL. Metal especially prepared for addition to the weld. This term shall apply to this material only before deposition.
- 2.7 FILLET WELD. A fillet weld is a weld of approximately triangular cross section, whose throat lies in a plane disposed (inclined) approximately 45 degrees with respect to the surfaces of the parts

joined. The size of a fillet weld shall be expressed in terms of the width in inches of its adjacent fused sides. C26-158.0 of the Administrative Code (1.149).

- 2.8 FLAT WELD. A weld made by the fusion welding process on a horizontal plane or one inclined not over 45 degrees to the horizontal, the weld being made from the upper side of the parts joined.
- 2.9 FUSION WELDING. Fusion welding is the process of joining metal parts in the molten, or molten and vapor states, without the application of mechanical pressure or blows. Under these rules fusion welding is restricted to arc and gas welding processes. C26-75.0 of the Administrative Code (1.67).
- 2.10 GAS CUTTING. Gas cutting is the process of severing ferrous metals by means of the chemical behavior of oxygen, in the presence of ferrous metals at high temperatures, to produce a kerf, or cut, of uniform width without burning the edges of the kerf or cut. C26-77.0 of the Administrative Code. (1.69).
- 2.11 GAS WELDING. A fusion welding process in which the heat of welding is supplied by the combustion of oxygen and acetylene or other fuel gas in a suitable torch. Filler metal may be melted from a welding rod. Under these rules, gas welding is restricted to the oxy-acetylene process wherein filler metal is added.
- 2.12 HORIZONTAL WELD. A weld made by the fusion welding process on a plane vertical or inclined less than 45 degrees with the vertical, the linear direction of the weld being horizontal or inclined not more than 45 degrees to the horizontal.
- 2.13 LAYER. A stratum of weld metal of a fusion weld and consisting of one or more interwoven beads.
- 2.14 OVERHEAD WELD. A weld made by the fusion welding process on a horizontal plane or one inclined not over 45 degrees to the horizontal, the weld being made from the underside of the parts joined.
- 2.15 OVERLAP. A condition of lack of fusion where the deposited metal has overflowed the fused area of metal.
- 2.16 PENETRATION. The linear distance that the deposited metal penetrates below the original surface of the base metal.
- 2.17 ROOT. A root is the zone at the bottom of the cross-sectional space provided to contain a fusion weld. C26-312. (CL) of the Administrative Code (1.122).
- 2.18 SLOT WELD. A weld made in an enclosed or partially enclosed opening formed in one of the parts of a lap joint.
- 2.19 SUPERINTENDENT. Wherever the word "Superintendent" appears in these Rules, it shall mean the Borough Superintendent of Housing and Buildings of the borough having jurisdiction.
- 2.20 TACK WELD. A weld of random size or shape intended only to fix a member or part thereof of a structure, in correct position preparatory to final welding, and shall not be considered to transmit stress.

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- 2.21 THROAT. The minimum thickness of a weld along a straight line passing through the root. Throat of a fillet weld is the distance along a line from the root to the hypotenuse at right angles thereto, of the largest isosceles triangle which can be constructed in the cross section of the fillet weld. The throat of a butt weld shall be equal to the thickness of the thinner part joined. C26-53.0 of the Administrative Code (1.144).
- 2.22 UNDERCUT. A condition wherein the base and weld metal is melted away leaving a depression, the surface of which lies below the designed surface contour of the joint.
- 2.23 VERTICAL WELD. A weld made by the fusion welding process on a plane vertical or inclined less than 45 degrees with the vertical, the linear direction of the weld being vertical or inclined not more than 45 degrees to the vertical.
- 2.24 WELD DIMENSIONS. The dimensions of a weld shall be expressed in terms of its size and length. C26-158.0 of the Administrative Code (1.149).
- 2.25 WELD LENGTH. Shall be considered to be the unbroken length of the full cross-section of the weld exclusive of the length of any craters. C26-158.0 of the Administrative Code (1.149).

Rule 3. Design and Supervision.

- 3.1 The licensed architect or licensed professional engineer designing or supervising the construction of a welded structure shall be experienced and skilled in such work. C26-515.0 (c) (8.6.2.3.3).

3.2 PERMISSIBLE UNIT STRESSES.

In the design of welded structures or parts thereof the stress at every connection must be accurately calculated and the required amount and the exact type and location of weld and filler metal with respect to the parts joined be specified.

- 3.2.1 Welded joints shall be so proportioned that the maximum stresses shall be less than the following amounts in pounds per square inch:
- | | |
|--|--------|
| Shear on section through the throat of a weld | 11,300 |
| Tension on section through the throat of a weld..... | 13,000 |
| Compression on section through the throat of a weld..... | 15,000 |
- Maximum fiber stresses due to bending shall not exceed the maximum values allowed above for tension and compression respectively. C26-368.0b (6) of the Administrative Code (7.4.5.6).
- 3.2.2 Stress on a fillet weld shall be considered as shear for any direction of the applied stress.
- 3.2.3 Adequate provision shall be made for bending stresses due to eccentricity in the disposition or section of base metal parts.
- 3.2.4 The allowable compressive strength mentioned in these Rules is not intended to prevent butt welds being used across the entire section to transmit the total compressive stress in compressive flanges of beams, girders, truss plates or compression blocks or other members protected against lateral deflection even though such stress exceeds 15,000 lbs. per sq. in., but not exceeding the maximum allowable compressive stress in the parts joined.
- 3.3 WORKING STRESSES FOR WINDLOADS. When the stress in any member due to wind is less than $33\frac{1}{3}\%$ of the stress due to live and dead loads, it may be neglected. For combined stresses due to wind and other loads, the permissible working stresses may be increased $33\frac{1}{3}\%$, provided the section thus found is at least that required by the dead and live loads alone. For stresses due to wind

only, the permissible working stress shall be the same as for live and dead loads. C26-372.0, 373.0 and 374.0 of the Administrative Code (7.4.8).

- 3.4 WELDED GIRDERS. In welded girders the connection of component parts of flanges to each other and of flanges to webs shall be by continuous or intermittent fillet welds designed to transmit the stress. C26-520.0 (d) of the Administrative Code (8.6.2.8.4).
- 3.5 Girders shall be proportioned either by their moments of inertia or by the flange-area method; in the latter method, when applied to a welded girder having no holes in the web, $1/6$ of the web area may be considered a part of the area of each flange. Stiffeners may be either angles or flat plates, welded to the web and flanges by welds designed to transmit the stresses.
- 3.6 BEAMS. The use of continuous beams and girders, shall be permitted provided their welded connections be designed to transmit the stresses involved in continuous beam construction and columns are designed for the moment added by such construction. At the ends of non-continuous beams, the connections shall be designed to avoid excessive secondary stresses due to bending.
- 3.7 WELDED COLUMNS. C26-520.0 (e) of the Administrative Code (8.6.2.8.5). Fillet welds connecting the component parts of a built-up column may be either continuous or intermittent. If intermittent, the length of each weld at the ends of the column shall be equal to the least width of the column. The length of the intervening welds shall be at least one and one-half inches, spaced at most four inches in the clear. The size, length and spacing of the fillet welds shall be such as to provide the same strength, per unit of column length, as the allowable shearing stresses in structural steel for power driven rivets. Lattice bars and tie plates shall be welded so as to obtain strength equal to that specified in C26-368.0b (6) of the Administrative Code (7.4.5.4). Shearing stresses.
- 3.7.1 Where column splices are welded, welds must be provided equal in strength to the shear of the standard column splice.
- 3.8 WELDED BUTT JOINTS. The edges of base metal parts, one-quarter inch or more in thickness, transmitting stress by means of butt welds shall be beveled. For single and double "V" joints, the bevel of each part shall be at least 30 degrees. For single and double bevel joints, the bevel shall be at least 45 degrees.
- Before welding, the root edge or face of one part shall be separated from the root edge or face of the other part by not less than $1/16$ inch nor more than $1/4$ inch.
- Butt welds shall be reinforced by depositing additional metal on the weld to a height extending beyond the surface of the thinnest part joined. The height of such reinforcements shall be at least the following percentages of the thickness of the thinnest part joined; 20 percent for single "V" and single bevel butt welds, and $12\frac{1}{2}\%$ percent on each side, for double "V" and double bevel butt welds. C26-520.0(f) of the Administrative Code (8.6.2.8.6).
- 3.9 FILLET WELDS. The length of any fillet weld shall be made not less than four times the weld size or else the size of the weld shall be considered not to exceed $1/4$ of the length for purposes of calculating strength under these rules.
- 3.10 WELDS IN SLOTS OR HOLES. When welding inside a slot or hole in a plate or other part, in order to join same to an underlying part, fillet welding may be used along the wall or walls of the slot or hole, but the latter shall not be filled with

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weld metal or partially filled in such manner as to form a direct weld-metal connection between opposite walls, except that fillet welds along opposite walls may overlap each other for a distance of one-fourth of their size. No slot or hole shall be less in width or diameter than $1\frac{1}{2}$ times its depth.

3.11 FIELD RIVETED, BOLTED AND WELDED CONNECTIONS. C26-521.0 of the Administrative Code (8.6.2.9).

3.11.1 In tier structures less than 125 feet high, in which the height is less than two and one-half times the minimum horizontal dimension, all column splices and field connections may be bolted.

3.11.2 In structures in which the height is over 100 feet and is more than two and one-half times the minimum horizontal dimension, and in structures 100 feet or less in height in which the height is more than four times the minimum horizontal dimension, column splices and connections to columns shall be riveted or welded.

3.11.3 In structures over 125 feet in height and in all structures of a special character, connections of beams and girders to columns, and beams and girders bracing columns shall be riveted or welded. Column splices in structures 200 feet or more in height shall be riveted or welded. Column splices in tier structures less than 200 feet high (except as provided in the preceding paragraph) may be bolted.

3.11.4 All other field connections may be bolted (except that, in all structures, the connections for supports for running machinery or other moving loads shall be riveted or welded).

3.11.5 Within existing structures steel work for alterations, or additions (except to the main structural framework), which do not affect existing column splices, connections and other riveted or welded work, may be bolted.

3.12 COMPLETION OF WORK.

Upon the completion of all structural welding operations, the licensed architect or licensed professional engineer responsible for the design of the structure shall certify to the Borough Superintendent that the fabrication and welding of such structure have been carefully inspected and that the requirements of his design and these Rules have been fulfilled in every respect by the contractor who has done the welding.

Rule 4. Board of Examiners for Welders.

4.1 The Board of Examiners for Welders provided for in C26-209.0 of the Administrative Code (2.3), shall be appointed by the Commissioner of Housing and Buildings from members of the staff of the Department as recommended by the Borough Superintendents. All certificates of qualification issued shall be uniform for the five Boroughs. There shall be a separate certificate for gas welding and for electric arc welding, which certificates shall not be interchangeable and shall apply specifically to the type of work to be done and shall be issued in accordance with Rule 5.

4.2 WELDERS TO BE QUALIFIED. No person shall perform welding work on any structural member of a structure without having obtained a certificate of qualification from the Board of Examiners for Welders. C26-211.0 of the Administrative Code (2.3.2).

4.2.1 Before a certificate of qualification may be issued authorizing a person to perform welding work on any structural member of a

structure, the person applying for such certificate shall have submitted to and satisfactorily passed an examination to determine his qualifications, conducted by Board of Examiners for Welders to be appointed by the Commissioner. A certificate of qualification shall be issued to each applicant having proved his qualifications and upon the payment of a fee of Two Dollars. Such certificate shall continue in effect for a period of one year unless sooner revoked or suspended and to be effective thereafter shall be renewed annually. The annual renewal fee shall be One Dollar.

4.2.2 No person shall be eligible for a certificate of qualification to perform welding work as provided in this section unless he is a citizen of the United States of America.

4.2.3 The Borough Superintendent may revoke or suspend a certificate of qualification of any person, if workmanship on any structural welding is such as to indicate incompetency or negligence which might endanger a structure or result in injury to humans.

4.2.4 Renewal of a certificate may be made without additional requalification test if the applicant's record indicates satisfactory welding experience during the previous year.

4.2.5 Certificates for gas welding and certificates for electric welding, including provisions for welding performed by each welder for the current year, shall be on forms as approved by the Board of Standards and Appeals.

Rule 5. Qualification Test for Welders.

5.1 These qualifications tests shall be conducted by the Board of Examiners for Welders or its representative but, in the discretion of the Board of Examiners for Welders documentary or other evidence, or both, that the applicant has passed the qualification test, conducted by a standard testing laboratory or an inspection by the Borough Superintendent or his representative may be accepted as satisfactory proof of the applicant's fitness to make structural welds in accordance with Rule 5.4. Welders performing work outside New York City shall be qualified under this rule. C26-381.0 of the Administrative Code (8.1.2).

5.2 Qualification for arc welding shall not constitute qualification for gas welding, and vice versa. Qualification for welding with bare electrodes shall not constitute qualification for welding with flux-coated electrodes, and vice versa.

5.3 The foregoing provisions are not intended to bar an applicant from further trial in case of one or more failures, or to require an operator who has passed the tests to qualify anew for every job he may undertake.

5.4 QUALIFICATION REQUIREMENTS.

5.4.1 Before issuance of a certificate of qualification by the Board of Examiners for welders the applicant shall have passed the qualification tests prescribed as follows:

5.4.2 The minimum qualification requirements shall be the welding of test specimens of the type shown in Fig. 2 and specified in Rule 5.4, each specimen to be tested for failure in a reliable tension testing machine and to develop ultimate resistance not less than 80 kips if welded with filler metal of grade 2, 4, 10 or 15; or 67 kips if welded with filler metal of grade 20, 30 or 40.

5.4.3 Two specimens shall be welded in the downward or flat welding position, two in the vertical welding position and two in the overhead welding position.

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5.4.4 The form of test specimen shall be as shown in Fig. 2, consisting of four steel bars or plates connected by four approximately equal fillet welds. The specifications of the bar steel shall conform to Rule 7. The welding edges of the splice bars shall be cut flat and square and any burrs shall be removed. The bars shall be clamped securely together and tack welded in proper position with the splice bars centered on the main bars and the faces of the main bars in true planes, in preparation for the test welding. Welding shall be performed with the same process (arc or gas), the same welding procedure, and the same general type of electrodes or welding rods as are to be used in the work for which the operator is being tested.

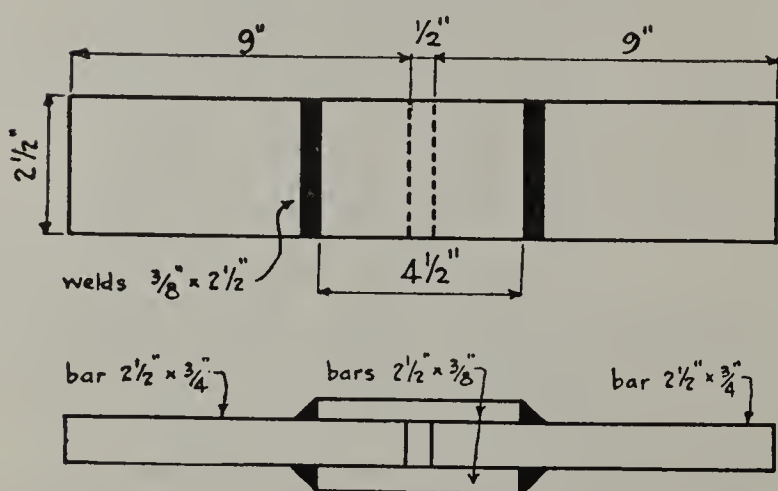


FIG. 2

Welds shall be made as nearly as possible to the designed dimensions, and in conformity with the practices set forth in Rule 6; at every cross-section the weld size in each direction shall be within 1/16 in. of the prescribed 3/8 in.

Rule 6. Quality of Welds.

The quality of welds permitted under these rules shall conform to the following requirements:

- 6.1 The quality of Test Welds and Construction Welds shall fulfill all requirements with regard to shape and internal quality.
 - 6.1.1 All lap welds shall indicate good penetration to the root of the weld and good fusion at both sides of the bead.
 - 6.1.2 All fillet welds shall show absence of undercutting, proper shape of the bead, lack of overlaps and proper fusion.
 - 6.1.3 All butt welds shall show good fusion without overlapping or undercutting.
- 6.2 **UNDERSIZE WELDS.** Undersize or undercut welds shall be built up by welding to conform to the weld cross-section called for in the drawings

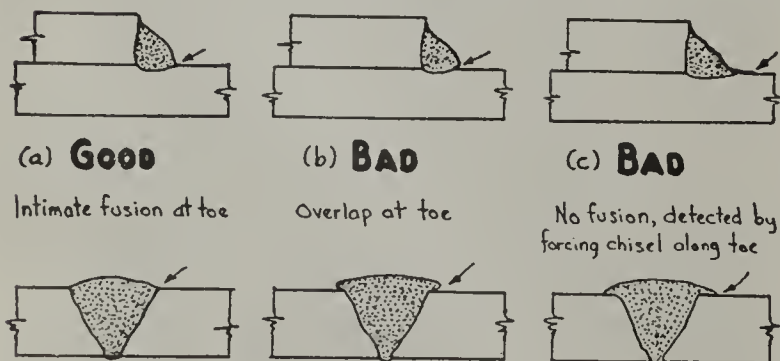


FIG. 3

and specifications. The surface of previously deposited welds shall be cleaned of oxides or slag before any reinforcing weld metal is applied.

6.3 SHAPE.

- 6.3.1 Welds shall conform in shape to those shown on Figs. 3a and 4a and shall not be undersized.
- 6.3.2 Surfaces of weld shall be reasonably smooth and uniform in contour. Weld metal along the toe of the weld shall not overlap the base metal surface but shall form an intimate contact therewith as shown in Figure 3.
- 6.3.3 **INTERNAL QUALITY.** The weld metal shall be sound throughout and shall be free from oxides, non-metallic inclusions and gas pockets. The weld metal shall be thoroughly fused with the base metal along all surfaces and edges of union, and shall penetrate into the root of the weld, as shown in Fig. 4a.

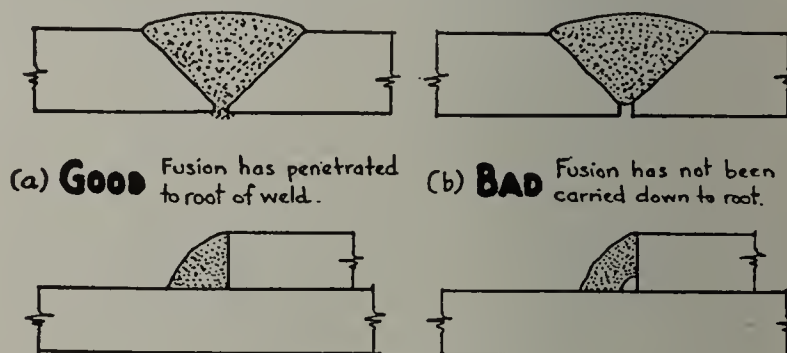


FIG. 4

- 6.3.4 **WELD ENDS.** The ends as well as the body of the welds shall conform to all the requirements of Rule 6.

Rule 7. Specifications and Tests of Welding Materials.

- 7.1 Structural steel shall conform to A.S.T.M. Specifications A-7-36 or A-9-36.
- 7.2 Filler metal (electrodes or welding rods) shall conform to all requirements of A.S.T.M. Specifications A205-37.T and the Borough Superintendent may accept certified test results from a reputable manufacturer that tests have been made in conformance with these specifications.

Rule 8. Gas Cutting of Structural Steel.

C26-526.0 (a) to (g) of the Administrative Code (8.6.3.2.1-7 inc.).

- 8.1 Contractors desiring to do gas cutting shall be required to satisfy the Borough Superintendent as to their ability to produce satisfactory gas cuts.
 - 8.1.1 Gas cutting shall be done by one experienced in this work and under the continual supervision, as provided in 9.1.
- 8.2 Gas cutting on any member while it is carrying stress is prohibited (except for detail cutting to correct minor fabricating errors where the removal of metal resulting from such detail cutting would leave unimpaired the required strength of the members to be cut).
 - 8.2.1 Any field cutting of structural members to provide openings or to remove portions of flanges shall not be done, unless provided for in the design.
- 8.3 Gas cut edges shall be smooth and regular in contour.
- 8.4 Gas cutting may be used in the preparation of base metal parts for welding provided the edges are thoroughly cleaned after cutting so as to expose clean steel.
- 8.5 Gas cutting to replace the milling of surfaces is prohibited.

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- 8.6 Gas cutting of holes in a member designed without provision therefor is prohibited.
- 8.7 The radii of re-entrant gas cut fillets shall be as large as possible and at least one inch. To determine the net area of members so cut, one-eighth inch shall be deducted from gas cut edges.

Rule 9. Supervision and Inspection.

- 9.1 Any welding to be done on a structure or any part thereof shall be performed under the supervision of a representative of a standard testing agency or an inspection agency responsible to the owner or licensed architect or licensed engineer. Such agency shall be acceptable to the Borough Superintendent.

9.1.1 The Borough Superintendent may, in the case of minor welding operations, including stairs and fire escapes, waive the requirements for inspection by a testing agency or inspection agency, if in his judgment such inspection may be adequately made by an inspector of welding employed regularly in the Department of Housing and Buildings.

- 9.2 The agency as provided for in 9.1 shall take adequate means to assure that the preparing, gas cutting, assembling and welding of the joints of the structure conform to the design and that the resulting structure is free from deficiencies and injurious defects. He shall keep and submit daily to the licensed architect or licensed professional engineer responsible for the work adequate records of the progress of the work, of difficulties experienced, and of his decision of acceptance and rejection. His records shall allocate a definite and personal responsibility for his acceptance of every weld as to size, location, type of filler metal used and quality of workmanship, and shall evidence that no weld called for in the design has been omitted. He shall require that each welder stamp his identification symbol on his work, and the inspector after inspecting each weld shall do likewise.
- 9.2.1 He shall inspect for defects and irregularities, plate cracks adjacent to or behind welds crater cracks or cracks in the weld metal.
- 9.2.2 He shall gauge all welds for deficiency of throat or other critical cross-section.
- 9.2.3 He shall carefully observe and reject undercutting, overlap or lack of fusion at edges of weld, lack of penetration, or porosity, location of craters, size and shape of bead, and order occasional chipping to determine penetration and correct all or any irregularities of workmanship contrary to the design.

- 9.3 The contractor who is to do welding shall be approved by the Borough Superintendent. He shall submit to the Borough Superintendent a statement that the work will be done in accordance with these rules and the Administrative Code and shall include in such statement, the detailed procedure he proposes to follow, which shall include the following:

That each welder or group of welders shall be under the continual supervision of an experienced foreman.

That only welders qualified under these rules be employed. Each welder shall exhibit, when required, his Certificate of Qualification.

That each welder shall be provided with proper gauges to check his work.

That the foreman shall be able to read blueprints and shall lay out and allocate the work each welder is to perform and he shall carefully observe the burn-off of the electrode; the fusion, and penetration of crater; the formation of the bead; and the sound of the arc.

That only the base metal and filler metal conforming to the job specifications and these rules be used.

That the welding equipment furnished shall have proper characteristics to allow good work.

That whenever deemed necessary by the Borough Superintendent, such tests of the finished welds, shall be made as required by him.

Rule 10. Workmanship on Welded Structures.

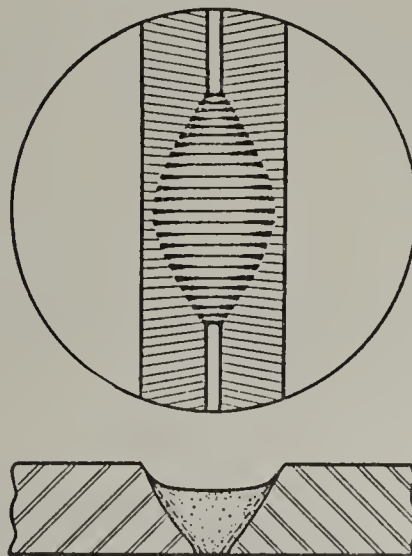
- 10.1 The arrangement of the joints to be welded shall be such as to enable the operator to have an unobstructed view of the surfaces to be welded at all times during the welding operation.

- 10.2 Welds found deficient in dimensions, but not in quality may be enlarged by additional welding. Where a deficient weld renders the weld inaccessible or has caused new conditions which would make reinforcement dangerous or ineffectual, the weld shall be removed and original conditions restored or in lieu thereof a revised design, correcting this condition shall be submitted to the Borough Superintendent. Any weld found deficient in quality, size or made contrary to the requirements of these rules shall be removed by chipping or melting and shall be remade. The weld metal shall be removed throughout its depth to clean base metal. A cracked weld shall be removed throughout its entire length.

The cutting or chipping of a weld shall not extend into the base metal. In removing welds, care shall be taken not to burn or otherwise injure the base metal and after melting the exposed base metal shall be cleaned by chipping and wire brushing.

- 10.3 TACK-WELDS. In making tack-welds, the same precautions should be observed as when starting welds. Where a designed weld will later be made over the tack-weld, the tack-weld shall be made with the same care as required for designed welds.

Whenever tack-welds are located where a designed weld will later be made, they shall be made according to the foregoing requirements. When encountered in the final welding operation, they shall be thoroughly fused in with the final weld. Tack-weld should be thickest at the center and should taper at both ends for convenience in carrying the regular weld over the tack-weld (see Fig. 19).



Section Through Tack-Weld

FIG. 19

- 10.4 Surfaces to be welded shall be free from mill scale, rust, paint or other foreign matter. A thin coat of linseed oil or its equivalent over the surfaces to be welded need not be removed. These provisions shall apply to new structures and where new steel is to be welded to steel in any existing structure.

Structural steel shall not be painted on any areas where shop or field welding is to be performed except that a coat of linseed oil without pigment may

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be used for temporary protection. However, structural members which have been painted, may be welded, provided that the paint is completely removed from the areas to be welded. Parts which are welded in the shop, to be erected by bolts or rivets, shall receive the usual painting if any is required after the shop welding is finished. Parts to be field welded shall receive a coat of linseed oil after shop work is completed, and after erection and field welding, they shall be given two coats of acceptable metal protection if painting is required. C26-522.0 of the Administrative Code (8.6.2.10).

10.5 Where rivets are under load there shall be no welding at the connections between structural members so riveted unless precautions are taken to prevent loss of tension of rivet in a manner approved by the Borough Superintendent. See 3.11.5.

10.6 In assembling and during welding the component parts of a built up member shall be held by sufficient clamps or other adequate means shall be employed for temporarily fastening the members together and bracing the framework until the joints are welded. This shall consist of erection bolts or positive devices imparting sufficient strength and stiffness to resist all temporary weights and lateral forces, including wind.

For all welded structures, erection bolts, or equivalent means shall be employed for temporarily supporting the members, and existing loads, and for insuring proper alignment.

The temporary support of girders carrying columns or other heavy loads shall be made rigid by such means as shall be designed by the licensed architect or licensed professional engineer in charge and approved by the Borough Superintendent.

In tier building erection, members shall not be erected more than two tiers, or more than one-column length above any column connections yet unwelded.

10.7 The welder shall be protected by adequate covering against high winds, rain, snow or sleet.

Where there is an accumulation of water, ice, or snow in the joint to be welded same shall be removed and the joint made dry before welding.

No welding shall be done where the prevailing atmospheric temperature is below 25 degrees Fahrenheit unless the base metal at the starting point of the weld shall be pre-heated, nor in any case where the prevailing atmospheric temperature is below zero.

Rule 11. Metal Chimneys, Tanks, Stairs and Fire-Escapes.

Metal Chimneys, Tanks, Stairs and Fire-Escapes and all materials entering into their construction, when welded, shall conform to these Rules.

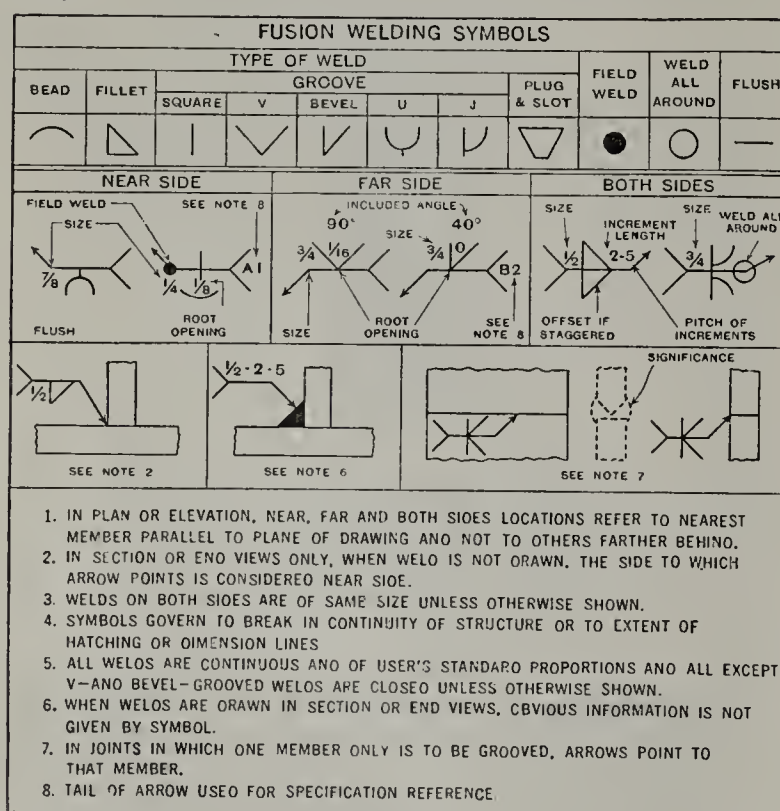
11.1 Stairs and fire-escapes shall be considered as light structural steel and where shop welded, shall have attached thereto a tag or label, affixed by the standard Testing Agency, to the effect that these Rules have been complied with.

APPENDIX.

The following is not to be considered as part of the Rules for Fusion Welding and Gas Cutting, but is printed for general information only:

I. Weld Symbols.

To provide for uniformity when plans are filed with the Borough Superintendent symbols for fusion welding and a method of showing them on drawings shall be as shown in figure 1.



NOTE: All dimensions in inches.

FIG. 1

II. Sizes, Chemical Composition and Tests of Filler Metal.

Standard sizes of filler metal are as follows: 1/16, 3/32, 1/8, 5/32, 3/16, 7/32, 1/4, 5/16 and 3/8 in. in diameter. In the case of coated or covered filler metal, the standard sizes refer to the diameter of the core wire.

TABLE 1.—TENSILE REQUIREMENTS FOR DEPOSITED METAL.

Grade	Base Metal	Treatment of Welded Specimen ^a	All-Weld Tension Test	
			Tensile Strength, min., lb. persq.in.	Elongation in 2 in., min., per cent
No. 2..	Firebox quality steel plate, tensile strength 55,000 lb. per sq. in., min.; or Steel for bridges, tensile strength 60,000 lb. per sq. in., min., with carbon not over 0.25 per cent and manganese not over 1.00 per cent., or equivalent steels.	stress-relieved non-stress-relieved	80 000 80 000	20½ 15½
No. 4..	same as for Grade No. 2	stress-relieved non-stress-relieved	75 000 75 000	20½ 15½
No. 10.	same as for Grade No. 2	stress-relieved non-stress-relieved	60 000 60 000	25 20
No. 15.	same as for Grade No. 2	stress-relieved non-stress-relieved	60 000 60 000	20 17
No. 20.	same as for Grade No. 2	stress-relieved non-stress-relieved	52 000 55 000	10 7
No. 30.	same as for Grade No. 2	stress-relieved non-stress-relieved	45 000 47 000	7 5
No. 40.	same as for Grade No. 2	stress-relieved non-stress-relieved	45 000 47 000	5 3

^a Stress-relieving where called for in these specifications is for the purpose of developing the fundamental properties of the weld metal unaltered by locked-up stress. Values obtained from stress-relieved welded specimens are about 5 per cent lower in tensile strength and 10 to 20 per cent higher in ductility than those of non-stress-

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relieved specimens. The fact that a filler metal test requires stress-relief signifies only that it must develop the strength required regardless of stress-relief and not that stress-relief must always be used in actual work. Stress-relieving shall be within the range of 1100 to 1200 F. for 1 hr. per 1 in. of thickness. Gas-welded specimens may be heat-treated at higher temperatures than the temperature specified above for stress-relief.

b It is immaterial how these high physical properties are obtained, that is, whether by carbon-steel filler metal with manganese and silicon contents or by the use of some other alloying elements, but the total amount of such other elements shall be less than 4 per cent.

CHEMICAL COMPOSITION.

The filler metal shall be capable of depositing metal conforming to the following requirements as to chemical composition:

Phosphorus, max., per cent.....	0.04
Sulfur, max., per cent.....	0.04

CHEMICAL ANALYSIS.

For arc-welding electrodes, the sample for analysis shall be prepared as follows: A specimen of standard base metal (see Table 1) of sufficient size, shall be prepared, and a pad of five superimposed layers of arc metal deposited thereon. The fifth or top layer shall be ground or machined away and discarded. The fourth layer shall be carefully milled off and used for the analysis specified.

For gas-gelding rods, the sample for analysis may be prepared as described in preceding paragraphs, except that three layers shall be considered sufficient and the top layer used for the analysis, or analysis may be made of the welding rod. In the latter case, ten rods shall be selected at random from the lot, and milled in such manner as to represent the entire cross-section.

TEST SPECIMENS.

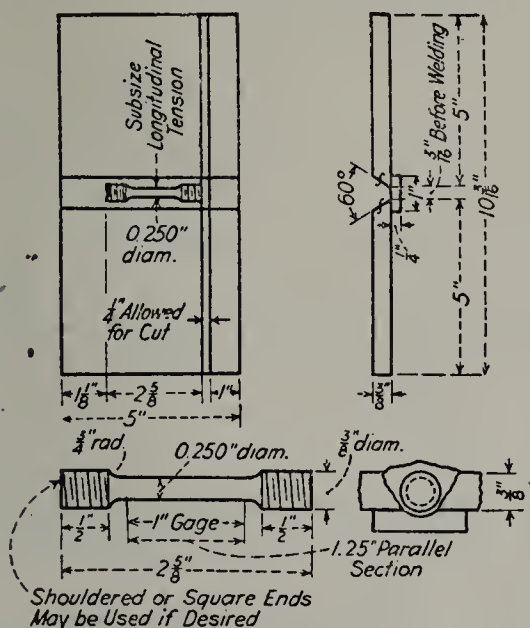
ALL WELD METAL TENSION TESTS. The deposited metal shall conform to the minimum tensile properties specified in Table 1.

SPECIMENS (Test).

From each lot of each size of filler metal, a sufficient number of electrodes or welding rods shall be selected at random and a deposited metal specimen prepared. The specimen shall be prepared in accordance with its proposed use.

For 1/16, 3/32 and 1/8 in. filler metal, a plate 3/8 in. in thickness shall be prepared as illustrated in Fig. 5 and the sub-size all-weld tension specimen prepared as shown.

For 5/32 in. and larger sizes of filler metal, a plate 3/4



NOTE 1.—The above plate shall be used for 1/8-inch filler metal.
NOTE 2.—Welds shall be deposited in either layers or beads.
NOTE 3.—Welds in vertical position shall be deposited upwards.
NOTE 4.—Electric welds shall cool to at least 100 F. between the deposition of each layer or bead.

Test Plate for 1/8-in. Diameter Filler Metal and Method of Machining Specimen.

FIG. 5

in. in thickness shall be prepared as illustrated in Fig. 6 and the tension specimen prepared as shown.

Test plates shall be so supported that warping due to welding shall not throw the finished test plate out of line by an angle of over 5 deg. If plates are warped, they shall be straightened cold before being stress-relieved where required.

SPECIAL TESTS. The Borough Superintendent or his representative may require such additional standard tests as will properly develop the strength of the filler metal.

RETESTS. If any tension test specimen fails, additional test plates shall be prepared at the direction of the inspector.

ELECTRODES FOR MANUAL WELDING. In the case of coated or covered electrodes for manual welding, about 1 in. of the electrode shall be bare or free from coating at the one end for making contact with the holder. The arc end shall be sufficiently bare to permit easy striking of the arc, but the length of the bare portion of the arc end, measured from the end to the point where the full cross-section of the coating obtains, shall not exceed one nominal diameter.

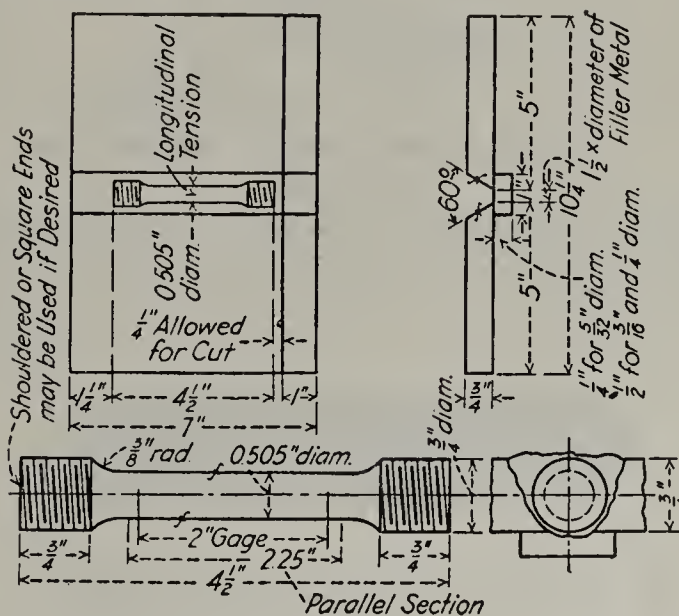
PREPARATION OF FILLER METAL.

Uncoated filler metal and the core of coated or covered filler metal shall be of uniform quality free from injurious segregation, oxides, pipe, seams or other irregularities.

On coated or covered filler metal, the coatings and coverings shall be such that they are not readily damaged by ordinary handling and shall be of commercially uniform thickness and shall present a workmanlike appearance. Coatings and coverings shall be free from injurious scabs, blisters, abnormal pockmarks, bruises or other surface defects.

The surface of gas-welding rods and bare electrodes shall be smooth and free from harmful scale, oil, or grease and shall be plain or copper finished, as specified.

Cross-sectional dimensions shall not vary from that specified by more than 3 per cent.



NOTE 1.—The above plate shall be used for filler metal 5/32-in. in diameter and larger.
NOTE 2.—Welds shall be deposited in either layers or beads.
NOTE 3.—Welds in vertical position shall be deposited upwards.
NOTE 4.—Electric welds shall cool to at least 100 F. between the deposition of each layer or bead.

Test Plate for Filler Metal 5/32-in. in Diameter and Larger and Method of Machining Specimen.

FIG. 6

REQUIREMENTS FOR ARC WELDS

III. Bare and Lightly Coated Electrodes.

WELDING ARC. Unsound welds insufficient penetration and overlap in general resulting from improper arc

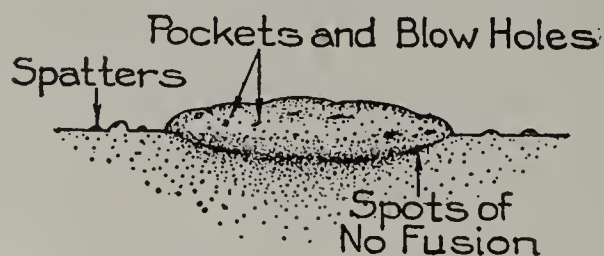
RULES

length and amount of current and incorrect rate of travel, are prohibited. The characteristics of these different conditions are illustrated in Figs. 7 and 8.

FIG. 7



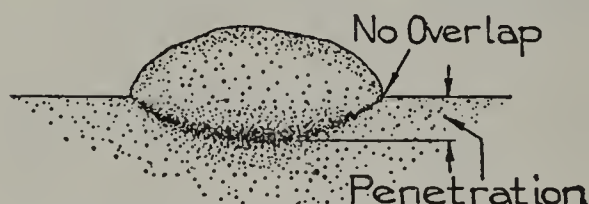
(a) Welding arc has traveled along too slowly



(b) Too long arc used or too rapid travel

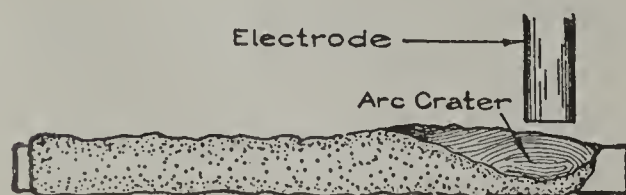
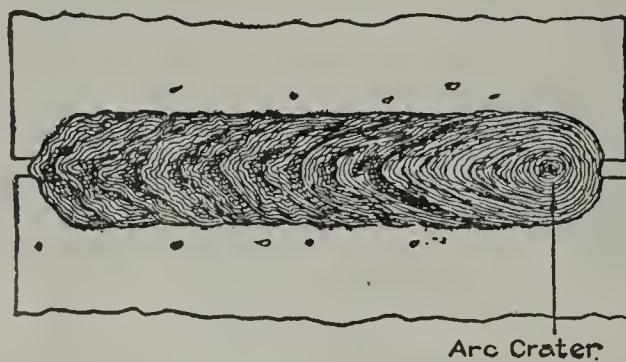


(c) Not enough heat used



(d) Satisfactory weld, "good penetration"

DEPTH OF CRATER. The depth of arc crater should not be less than 1/16 in. (see Fig. 8).



Longitudinal section of deposited metal showing penetration and arc crater.

FIG. 8

LENGTH OF ARC. In manual metal arc-welding, proper fusion, penetration and soundness of weld shall be secured by using as short an arc as can be maintained for each form of weld. A typical example of proper arc length for given thickness of base metal and for a 3/8-in. fillet weld is shown in Fig. 9. When properly manipulated, the arc will throw a steady shower of small sparks, and (in the case of bare electrodes) will be accompanied by a regular, crackling, snappy sound with fractional intervals less than

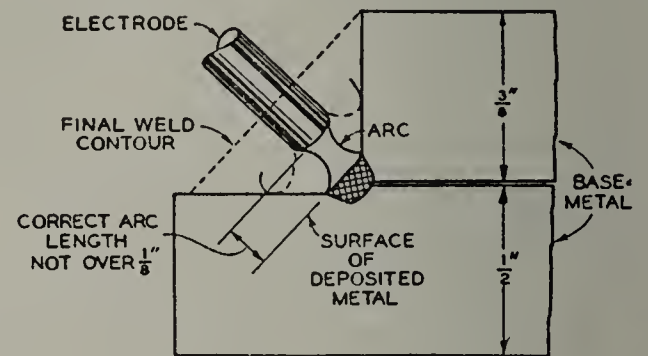


FIG. 9

one-half second between explosions. With a given current, the length of arc depends upon the arc voltage which should not exceed 20 volts.

CURRENT. The amount of current shall be such as will best suit the arrangement and the thickness of the base metals to be joined. Sizes and current values shall conform to those given in Table 2. In special cases other approved sizes and currents may be specified, when permitted by the Borough Superintendent. The current and voltage used shall be measured by suitable meters, either mounted on the arc welding machine panel, or portable, for use at the point of welding. Allowance shall be made for line drop where the meters are not adjacent to the point of welding.

Table 2—Current Values and Sizes of Bare and Lightly Coated Electrodes for Various Sizes of Welds

Size of Weld In.	Minimum Number of Layers	Electrodes and Current Values
1/4	1	In all these cases use either 5/32-in. electrodes with 160-180 amps., or 3/16-in. electrodes with 180-225 amps.
3/8	1	
1/2	2	
5/8	2	
3/4	3	

MANUAL OPERATION OF ARC. The arc shall be started by drawing a long arc momentarily to preheat base metal before deposition of filler material to insure thorough fusion at start of weld or it shall be started moving a short arc rapidly back and forward over a limited area at start.

In case of a long weld where more than one electrode is used, the arc shall be re-started about 1/4 in. to 3/8 in. ahead of the crater, going back over the crater to properly fill it and keep a uniform contour, thus insuring proper preheating as in start of weld.

On single layer welds the arc shall progress with either a straight forward motion or an oscillatory motion depending on size of joint to be filled to bring it up to proper contour and insure proper fusion in root zone.

In multi-layer welding the first layer shall be deposited by moving the arc in a straight forward motion to secure proper fusion in the root zone, while subsequent layers shall be deposited with an oscillatory motion to build up the weld to the proper contour. The first layer shall be

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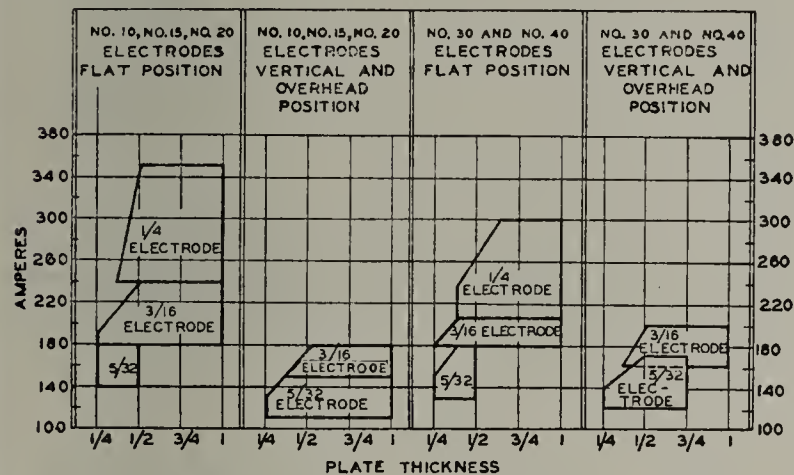
made with an electrode small enough to get thorough penetration at the root zone.

Each layer shall be thoroughly cleaned by brushing or chipping to remove all excess scale and oxides before depositing succeeding layers. The surface of each layer shall be reasonably smooth and uniform in contour.

IV. Heavily Coated Electrodes.

WELDING PROCEDURE. In making welds with heavily coated electrodes the procedure recommended by the manufacturer of the electrodes being used shall be followed, but if such instructions are not available, the procedures given below shall be followed.

CURRENT. The amount of current shall be such as will best suit the arrangement and the thickness of the base metal to be joined. The current ranges in Fig. 10 are given as a guide in selecting the best operating conditions for various electrode sizes and plate thicknesses for flat, vertical and overhead welding. In special cases, other approved sizes and amounts of current may be specified. The current and voltage used shall be measured by suitable meters, either mounted on the arc welding panel, or portable, for use at the point of welding. Allowance shall be made for line drop where the meters are not adjacent to the point of welding.



Current Values and Sizes of Heavily Coated Electrodes for Various Plate Thicknesses for Manually Welded Operations.

FIG. 10

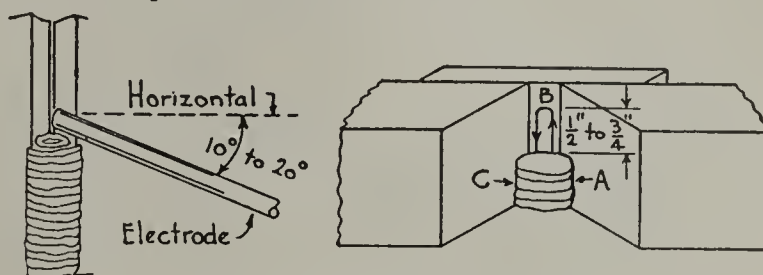
WELDING PROCEDURE FOR FLAT BUTT WELDS. In making butt welds on bevel joints, weave the electrode from one side of the joint to the other. This weaving may not be necessary on the first pass. These oscillations shall be regulated so that the weld metal fuses into the side walls without directing the arc against the walls. This shall be accomplished by pointing the electrode downward and allowing the outer edges of the arc to play lightly on the walls. A stay shall be made long enough on the turns to insure complete fusion into the side walls.

The travel speed shall be regulated to limit the thickness of the layer per pass to not more than $\frac{1}{8}$ in.

WELDING PROCEDURE FOR VERTICAL AND OVERHEAD BUTT WELDS. One-eighth ($\frac{1}{8}$)-in. and $\frac{5}{32}$ -in. diameter electrodes should be used in the vertical and overhead welding positions, but the $\frac{3}{16}$ -in. diameter may be used in vertical welding when necessary.

Vertical welds shall be made by welding upward. The first pass should be started by oscillating or weaving the electrode from side to side (Fig. 11A) to produce a weld metal bridge across the "V." Then the arc is to be moved rapidly upward for $\frac{1}{2}$ to $\frac{3}{4}$ in. along the bottom of the "V" (Fig. 11B) drawing a long arc (about 30 volts), and then back down to the crater again (Fig. 11C), shortening the arc to its previous length. The movement up and down should require about $\frac{1}{3}$ sec. and should be easily accomplished with a bending action of the wrist. Its purpose is

to allow the molten metal in the pool to solidify and to preheat the plates ahead of the crater.

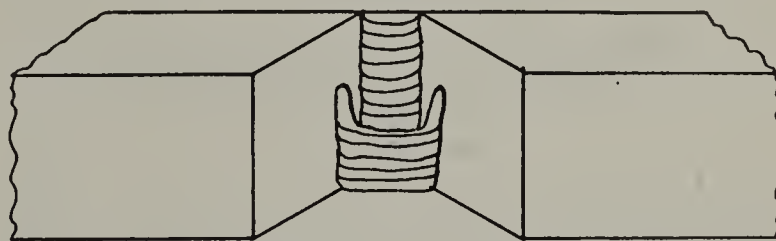


Vertical Butt Weld—First Layer.

FIG. 11

The above cycle of operation shall be repeated all the way up, each time depositing a thin layer of metal on top of the preceding layer. The travel speed on the first pass shall be regulated to limit the deposit to the equivalent of about a $\frac{1}{4}$ -in. fillet weld. On succeeding passes, the thickness shall not exceed $\frac{1}{8}$ or $\frac{5}{32}$ in. The successive passes shall be made by this up and down technique or by successive horizontal weaving.

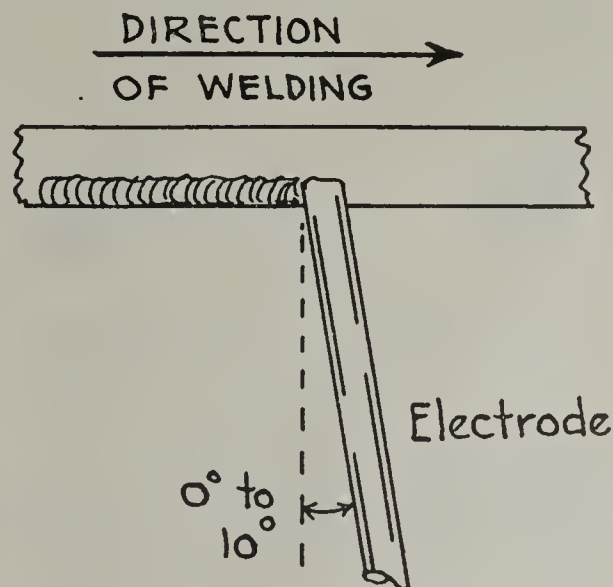
If, in making the second and succeeding passes, a procedure similar to that of the first pass shall be used, the motion (Fig. 12) to be across the pool or shelf, then upward and back at one side of the "V," then across the shelf to the other side, and up and back to the shelf again. The up and down motions shall be done rapidly, lengthening the arc while doing so. If the procedure of weaving straight across is used, it shall be similar to the above except that the up and down motion at each end of the shelf is eliminated.



Vertical Butt Weld—Second Layer.

FIG. 12

For overhead butt welds, the procedure shall be the same as that previously described for vertical welds. The electrode shall be pointed upward and sometimes leaning slightly forward as shown in Fig. 13. A shelf on which to work shall be deposited at the start and the cycles of operation shall be the same as those for vertical welding.



Overhead Butt Weld.

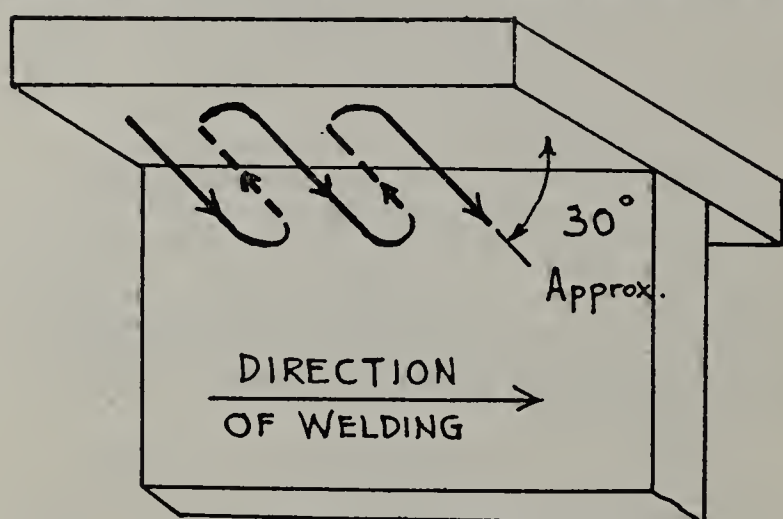
FIG. 13

RULES

WELDING PROCEDURE FOR FLAT AND OVERHEAD FILLET WELDS. For light fillet welds ($\frac{1}{4}$ in. or less) and the first pass of multiple pass welds, the electrode shall be moved only in the direction of travel. The second and successive passes or heavy single-pass welds ($\frac{3}{8}$ in. for example) shall be made by weaving the electrode in a plane making an angle of about 30 degrees with the underside of the plate, as shown in Fig. 14. The solid line represents actual welding. The dotted line represents an upward skip done in about $\frac{1}{3}$ sec.

WELDING PROCEDURE FOR VERTICAL FILLET WELDS. Vertical fillet welds shall be made in the same manner as vertical butt welds.

WELDING PROCEDURE FOR MULTI-LAYER FILLET WELDS IN ANY POSITION. In certain cases fillet welds in sizes up to $\frac{3}{8}$ in. may be made in a single pass by holding the electrode at a suitable angle and moving it along at a uniform rate. Where the fillet weld

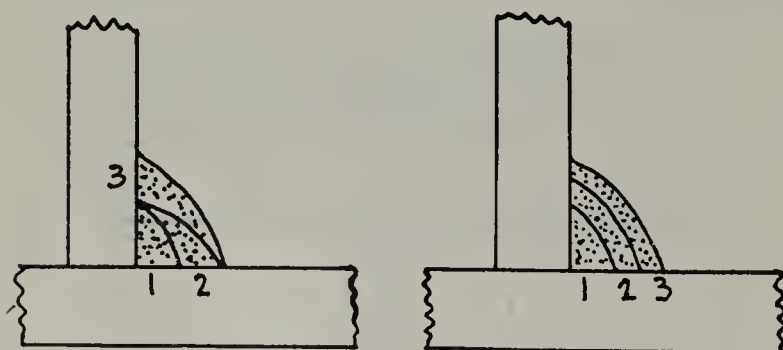


Overhead Fillet Weld.

FIG. 14

requires more than one layer, the second and subsequent layers shall be deposited as a complete spread over the previously deposited metal or in two or more parts as shown in Fig. 15.

ALTERNATE METHODS OF MAKING MULTI-LAYER WELDS



Flat, Vertical, or Overhead Fillet Weld.

FIG. 15

V. Requirements for Gas Welds.

WELDING FLAME. Torches may be either single or multiple flame. The adjustment of the welding flame shall be the same as used in the qualification tests.

The size of the inner cone or inner cones shall be regulated for varying thicknesses of base metal so that the proper amount of heat and flame condition is obtained to

properly perform the welding operation. The criterion for welding flame regulation is that the inner cone or inner cones should be of a size and character which produce sufficient heat to maintain the welding puddle in a quiet molten state, and to cause fusion of the welding puddle with the base metal.

The orifice of the welding tip shall be kept clean at all times during the welding operation so that the regular and symmetrical inner cone or cones can be maintained.

WELDING ROD. The size of the welding rod to be used shall be such that the rod shall be of sufficient diameter to maintain the welding puddle in a quiet molten state.

STARTING WELDS. In starting a weld, the base metal shall be heated to a dull red for a distance of from 1 to 2 in. along the joint so that the point of welding can be brought to the fusion temperature evenly before welding rod is added. If the weld is stopped for any reason, the same precautions should be observed upon restarting.

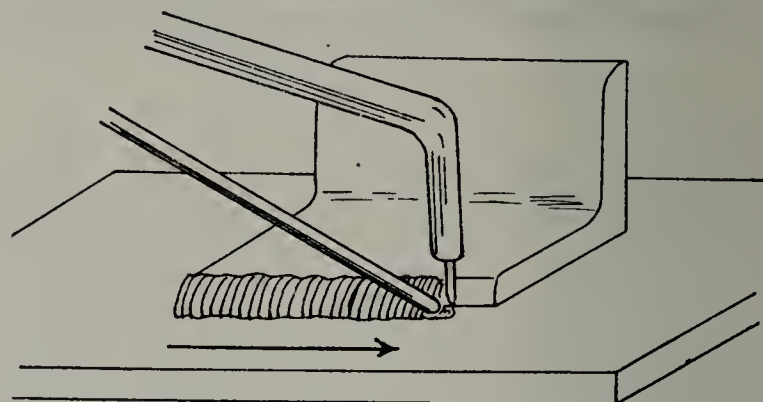
WELDING TECHNIQUE—GENERAL. The welding torch and welding rod shall be manipulated so as to maintain a definite puddle of molten weld metal without overheating either the base metal or deposited metal. The end of the welding rod shall be kept within the limits of the puddle at all times, particular care being taken not to disturb the rear edge of the puddle which might cause slag on the surface to become entrapped in the weld metal. In manipulating the flame, the tip of the inner cone shall preferably not touch either base metal, puddle or welding rod.

Either backhand or forehand technique may be employed. The various positions of welding rod and flame with respect to each other in backhand and forehand techniques are illustrated in Figs. 16 and 17.

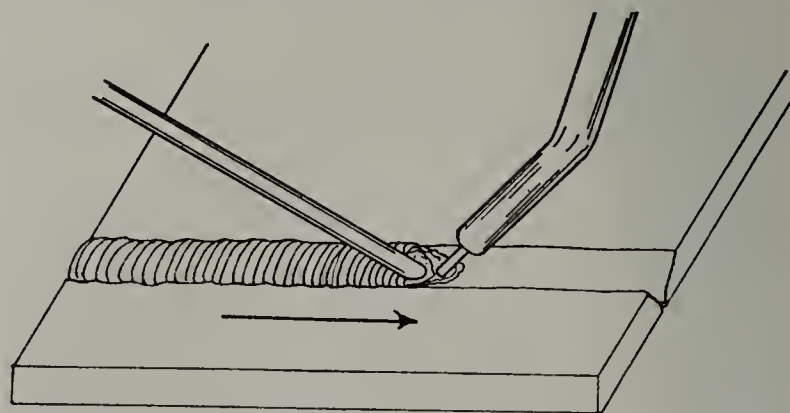
In carrying the puddle forward, the base metal surfaces just in advance of the puddle shall be prepared for fusion with the puddle by melting sufficient surface metal to remove oxides and expose sound base metal. In some cases this depth of melting may be $\frac{1}{32}$ in. or less. Manipulation of the rod and flame in controlling the puddle shall

FIG. 16

Position of Rod and Flame in Backhand Technique. Arrow indicates direction of welding.

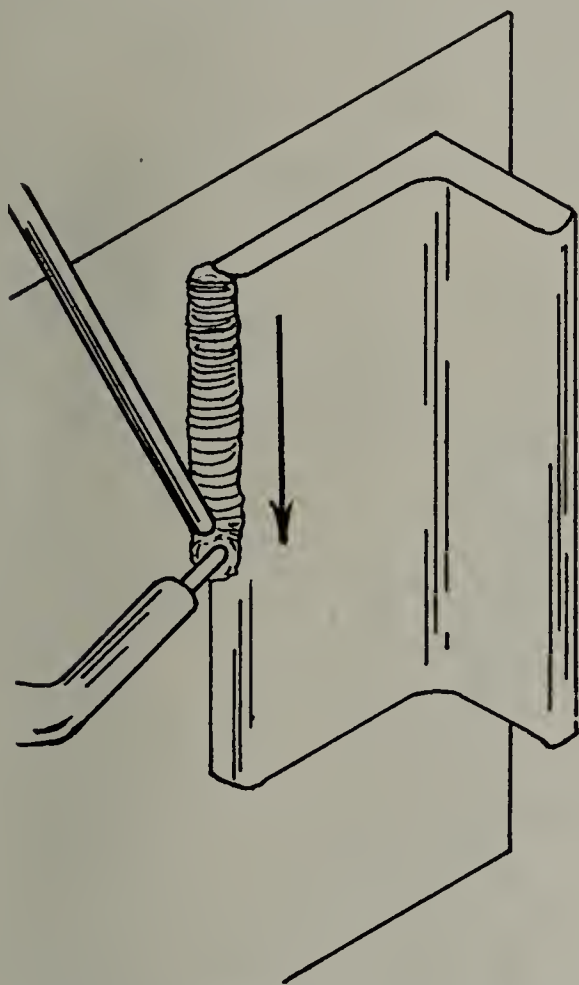


Fillet Weld—Flat Position.

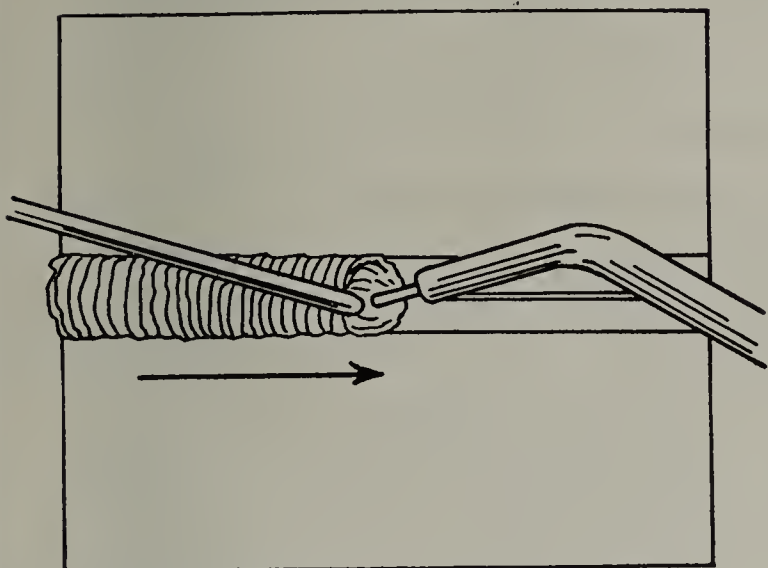


Butt Weld—Flat Position.

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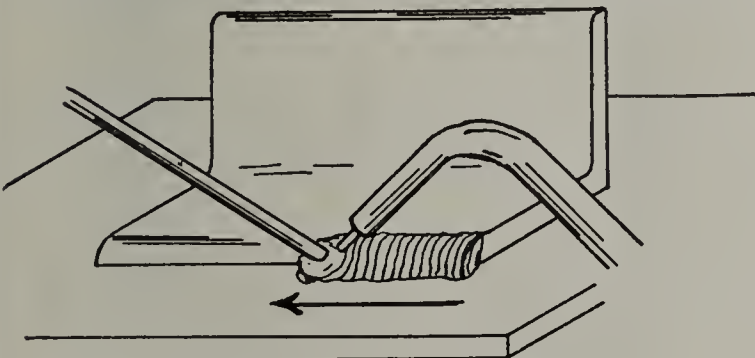
Fillet or Butt Weld—Vertical Position.



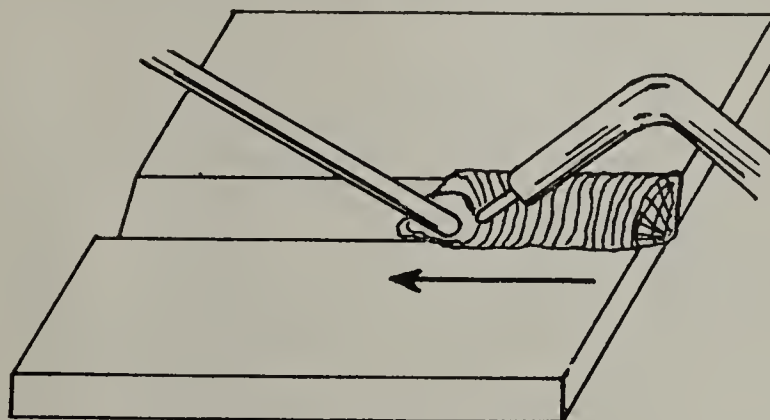
Fillet or Butt Weld—Horizontal Position.

FIG. 17

Positions of Rod and Flame in Forehand Technique.



Fillet Weld—Flat Position.



Butt Weld—Flat Position.

be such that at no time is molten metal from the puddle permitted to flow ahead until this melting has occurred.

For welding in positions other than flat, it shall be permissible to carry a fairly shallow puddle for convenience in controlling it. When using backhand technique, this shall be done by distributing the molten metal in the puddle with the end of the welding rod, providing the puddle is kept sufficiently molten so that surface oxides do not become entrapped in the weld.

FILLET WELDS. When fillet welding in the flat position, there is a tendency for the top plate to melt before the bottom plate. This shall be avoided by pointing the flame more against the lower plate as shown in Figs. 16 and 17. It is essential that fusion be secured at the inside corner or root of the joint, the welding rod and inner cone shall be manipulated so this result will be secured. If desired, the welding rod may be stirred lightly, well within the bounds of the puddle, to maintain a shallow puddle and distribute the molten metal so as to obtain readily welds of proper size and shape.

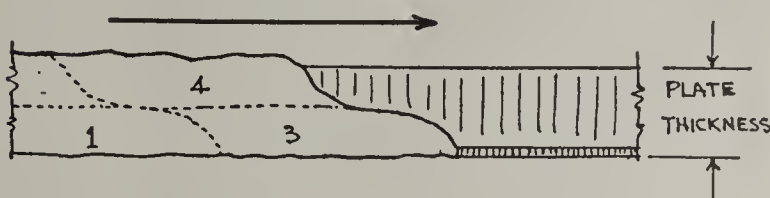
BUTT WELDS. When butt welding in the flat position, manipulation of rod and inner cone shall be such that the bottom of the vee is fused together at the same time but in advance of the upper walls of the vee so that the weight of the puddle does not cause molten metal to sag inside the joint. Where spacing of the joint exceeds $1/6$ in., it is allowable to weld the bottom of the vee together in a separate operation, $1/2$ in. to 1 in. at one time ahead of the principal point of welding.

MULTI-LAYER WELDING. Multiple layer welding may be used in place of single layer welding for all positions of welding and thicknesses of metal, but especially for welds of larger size. The criterion shall be the size of puddle that can most effectively be carried by the welder for the particular position of welding. If the completion of a weld in one layer requires a puddle larger than indicated by this criterion, two or more layers shall be made.

The layers of the weld may be made continuously for the full length, or the welding may be done by the "step" method illustrated in Fig. 18.

FIG. 18

"Step" Method of Multi-Layer Welding.

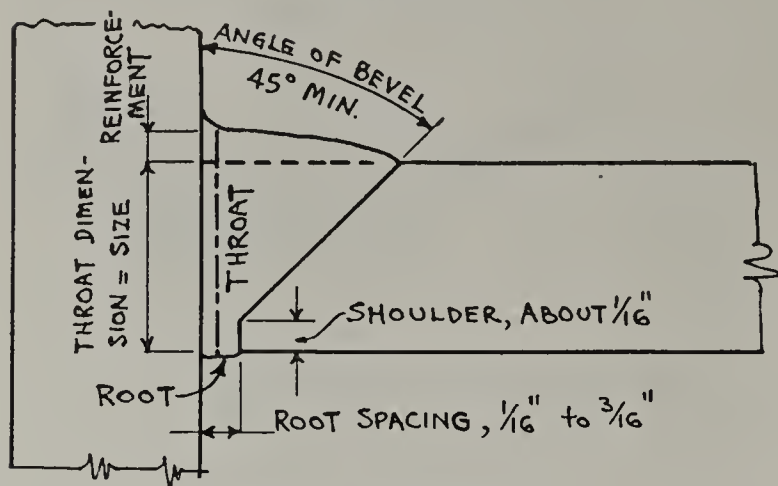


Sequence of "Step" Welds Shown by Numbers.

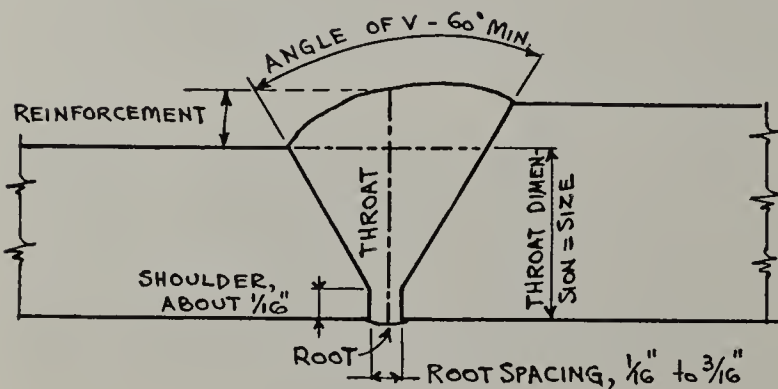
VI. Illustrations of Butt and Fillet Welds.

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FIG. 20

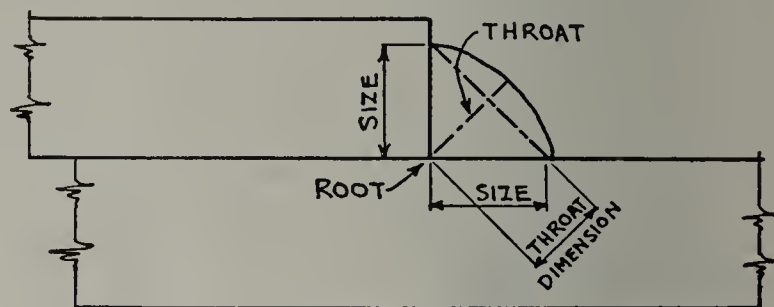


Single Bevel Butt Weld.

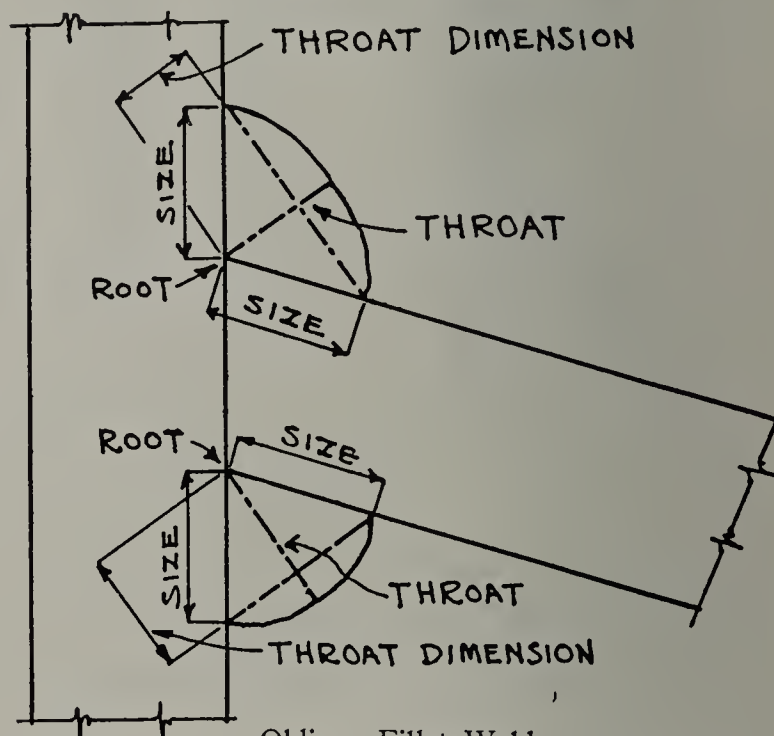


Right Fillet Weld.

FIG. 21



Single-V Butt Weld.



Oblique Fillet Weld.

RULES ON USES OF INSULATING FIBRE BOARD

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS MAY 5, 1939. EFFECTIVE, IN ACCORDANCE WITH SECTION 665, SUBDIVISION C, OF THE NEW YORK CITY CHARTER, MAY 29, 1939 AND RULES AMENDED JUNE 16, 1942, EFFECTIVE JULY 6, 1942.

Authority:

[170-39-SR]

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraph 2, Charter of the City of New York, and C26-189.0 Administrative Code (2.2.1.1), C-26-462.0 of the Administrative Code (8.4.10.6), C-26-458.0, sub. g, Administrative Code (8.4.10.2), C-26-538.0, sub. b, Administrative Code (8.7.2.3), C-26-541.0, sub. a, Administrative Code (8.7.2.6.1), C-26-667.0, paragraphs, 4 and 8, Administrative Code (10.9.2.4), sub. c, and (10.9.2.4), Building Code, C-26-680, sub. 21, Administrative Code (10.12.11.1), C-26-541.0, Administrative Code (8.7.2.6.1), C-26-619.0, Administrative Code (10.3.1), and C-26-721.0, Administrative Code (12.2).

NOTE: Where reference in parentheses appears after the Administrative Code Section, it refers to the Section of the New Building Code as formerly numbered.

Rule 1. Classes of Fibre Board.

- (1) Wood Fibre
- (2) Exploded Wood Fibre
- (3) Balsam and Wood Fibre
- (4) Western Wood Fibre

- (5) Cane Fibre (Bagasse)
- (6) Pulp from waste papers
- (7) Straw Fibre
- (8) Ground Wood Pulp Fibre
- (9) Corn Fibre

- 1.1 STRUCTURE OF FIBRE BOARD. Fibre boards shall be manufactured from wood or other vegetable fibre by a felting or molding process and provided with sizing to render water resistant, and shall be subjected to a sufficient drying temperature so as to completely destroy rot-producing fungi. No starch ingredient shall be included unless made toxic to household vermin.
- 1.2 The structure of the board may be either single or multiple ply, and if latter, the plies shall be joined under pressure by a moisture resisting cement. Surfaces shall be finished smooth and free of coarse fibres.
- 1.3 For a plaster base, wall board, roof boards, sheathing, siding, roof insulation, floor insulation, acoustical, interior finish, the fibre board shall be homogeneous, free from cracks, lumps, unevenness and other defects.

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TABLE 1

	Building Board (Note 5)	Plaster Base (Note 6)	Miscel- laneous uses (Note 7)
Maximum thermal conductivity B.T.U. per hour per square foot per degree F. per inch thickness (note 1)	0.36	0.36	0.36
Minimum transverse strength, Lengthwise (note 2)	14	14	7
Pounds Crosswise (note 2)	12	12	7
Minimum deflection at ultimate load, inches	0.25	0.25	0.25
Maximum deflection at ultimate load, inches (note 3)	.85	.85	1.25
Minimum tensile strength, pounds per square inch (note 4)	175	175	100
Water absorption per cent.	5	5	10
Maximum linear expansion, per cent	$\frac{1}{2}$	$\frac{1}{2}$	—
Nail holding strength lb.	100	70	60
Bond strength per square foot of bonded surface	—	700	—

NOTE 1. No board of any class having a conductance greater than 0.72 b.t.u. per hour, per square foot per degree F. irrespective of thickness will be acceptable under these rules.

NOTE 2. This requirement is based upon specimens $\frac{1}{2}$ inch thick. For specimens of other thicknesses the requirement shall be increased in direct proportion, that is, for a thickness of 1-inch, it shall be double, etc.

NOTE 3. Minimum deflection at rupture shall be not less than .25".

NOTE 4. Tensile strength requirements shall be applicable only on thicknesses up to and including 1-inch.

NOTE 5. Edges shall be square for building board.

NOTE 6. Edges shall be either ship lapped bevel and ship lapped, tongue and grooved, bevel and tongue and grooved, "V" jointed, or ship lapped and grooved. Each board shall be of a rough fibrous texture to insure good mechanical and suction bond.

NOTE 7. Edges shall be square unless ship lapped or offset.

Rule 2. Uses and Methods of Applying Fibre Board.

2.1 Fibre board may be used as a plaster base or wall board in non-fireproof commercial structures not more than 2 stories in height and in one and two family dwellings not exceeding three stories in height and in Class 3 multiple dwellings for partitions and ceilings where either no fire resistive rating is required or where a fire resistive rating not exceeding $\frac{1}{2}$ hour is permitted and installed in accordance with the requirements of C-26-458, Administrative Code (8.4.10.2) and C-26-462.0, Administrative Code (8.4.10.6).

The joints on walls and ceilings shall be broken at least one stud apart, and in no event shall joints of fibre board lath be in vertical line, excepting in the corners of a room. The joints shall be broken at every other board on the walls and at right angles to the furring on ceiling. C-26-462.0, Administrative Code (8.4.10.6). They shall be solidly nailed at every bearing not more than 6" center to center for walls and 4" center to center for ceilings and nailed to all studding with $1\frac{1}{8}$ " No. 13 gauge blued or galvanized plaster board nails, with $\frac{3}{8}$ " heads for $\frac{1}{2}$ " board and $1\frac{3}{4}$ " nails with $\frac{3}{8}$ " heads for $\frac{3}{4}$ " or 1" board, and with proportionately longer nails for thicker fibre board. All corners shall be reinforced with standard metal corner beads. All re-entrant angles shall be reinforced with standard metal angle lath strip. Reinforcement shall be securely stapled on the lath. At the juncture of frame and masonry construction, 6" strip of expanded metal lath shall be used. No board shall be run through from room to room.

2.1.1 It shall be unlawful to wet fibre board before plastering. C26-462.0, Administrative Code (8.4.10.6).

2.1.2.1 "SCRATCH OR FIRST COAT."

The scratch coat shall contain not more than $\frac{2}{3}$ by weight of sand and $\frac{1}{3}$ calcined gypsum plaster with fibres or including other materials and fibring so that the setting time shall not be greater than four hours nor less than $1\frac{1}{2}$ hours and with a tensile strength of not less than 75 pounds per sq. in. The scratch coat shall be not less than $\frac{1}{4}$ " thick.

2.1.2.2 "BROWN OR SECOND COAT."

The brown coat shall contain not more than $\frac{3}{4}$ by weight of sand and the remaining $\frac{1}{4}$ shall not contain less than $\frac{3}{5}$ of calcined gypsum and not more than $\frac{2}{5}$ of other materials, including fibring. The setting time shall be not more than five hours nor less than two. This brown coat shall have a tensile strength of not less than 50 pounds per sq. in. and shall be not less than $\frac{3}{16}$ " in thickness.

2.1.2.3 "FINISH COAT."

The finish coat shall be applied after the application of the second or brown coat has become dry, and shall be set in not less than 20 minutes nor more than four hours and shall have a tensile strength of not less than 200 pounds per sq. in. and be not less than $\frac{1}{16}$ " thick.

2.1.2.4 "GROUNDS."

Suitable grounds shall be established with each thickness of fibre board so as to insure a minimum thickness of $\frac{1}{2}$ " plaster. Fibre board shall extend from floor to ceiling with grounds secured to the framing members through the fibre board.

2.2 FIBRE BOARD SHEATHING.

Approved fibre board sheathing at least one-half of an inch in thickness and four feet in width and in full lengths where possible may be used instead of wood sheathing when bearing on 4 studs and fastened to each bearing with $1\frac{1}{2}$ " wire nails, 6" or less c-c, with $\frac{3}{8}$ " head, and for $\frac{3}{4}$ " or 1" board, the nails shall be 2" long. See C26-538.0, sub. b. When using fibre board in widths of 2 ft. in addition to the requirement for using full lengths, supplemental bracing of the framework of the wood frame structure shall be provided by means of let-in diagonal braces of 1" x 4"s sound and free from knots at all external corners in the outside face of the studs at approximately 45° and crossing at least three studs, or supplemental bracing may be by a series of 2" by 4" struts diagonally cut and placed between the studs at an angle of 45° with the horizontal and extending from sill to plate wherever possible. All braces shall be securely nailed to each stud and to sill and plate. Where openings occur near the corners, 1" x 4"s let-in knee braces in the face of the studs shall be installed above and below the openings at approximately 45°, extending across not less than 3 studs. When used over doorways and under windows, vertical and horizontal 2" x 4"s shall be provided to afford nailing bases along all edges. Equivalent bracing of steel may be substituted for the required wood bracing. The use of fibre board as roof sheathing is not permitted except as insulation over permitted sheathing material.

2.3 MINOR FRAME STRUCTURE.

Approved fibre board siding may be used on wood frame sheds erected where permitted and where open:

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on at least one side, provided such sheds are fifteen feet or less in height and do not exceed 2500 square feet in area and are at least 4 feet from any lot line and are covered on sides and roof with approved fire-retarding material. C26-541.0 (8.7.2.6.1).

- 2.4 **USE OF FIBRE BOARD WHEN COVERED BY AN INCOMBUSTIBLE WEARING SURFACE.** Untreated combustible insulation board of a single layer or thickness not to exceed $\frac{1}{2}$ " when cemented or attached directly to the surface of an approved type of fire-resistive floor construction may be used elsewhere than in stair enclosure and corridors when covered by an incombustible wearing surface, in accordance with these rules. C26-667.0, sub. 4c (10.9.2.4).

- 2.5 **ROOF AND FLOOR INSTALLATION IN CLASS 1 AND CLASS 2 STRUCTURES.**

Fibre board used as insulation may be applied directly to the fire-resistive floor or roof construction in cement, provided such insulation is covered by at least one and one-half inch thickness of Portland Cement concrete or other equally fire-resistive material of equal thickness. C26-619.0,

sub. a, Administrative Code (10.3.1). Insulation fibre board so applied shall be over a screeded concrete roof or floor, graded where necessary, and cemented to the arch with hot asphalt or coal tar pitch. Fibre insulation board shall not be left exposed to the elements, nor shall it be applied to wet surfaces of any kind.

- 2.6 **ROOF INSULATION OTHER THAN IN CLASS 1 AND CLASS 2 STRUCTURES.**

The use of fibre board as roof insulation is lawful, provided such fibre board is covered with an approved type of fire-resistive roof covering applied directly thereto, C26-680, sub. 2, Administrative Code (10.12.11.1), and when installed in accordance with the requirements of 2.2 of these rules.

- 2.7 **USE OF FIBRE BOARD IN FIRE WALLS.** (Formerly Rule 2.8)

Fibre board may be used as insulation in fire walls C26-632.0 sub. g AC (10.4.1.2) if cemented and attached directly to the face of the wall laid up with no intervening air spaces and protected with not less than 2 in. of secured masonry laid tight against the fibre board.

SMOKING IN FACTORIES

Adopted by the Board of Standards and Appeals,
August 12, 1918.

Rule 1. Permit.

(a) **Prohibition.** No person shall smoke, or carry a lighted cigar or cigarette in any factory as defined in Article 1, Section 2, of the State Labor Law, nor in any portion of a factory, within the City of New York, except in such protected portions or special classes of occupancies as are specified in Rule 2 of these rules, and then only after the issuance of a permit by the Administrative official.

It shall be the joint and several duty of the owner and of the lessee or lessees of the building containing such factory or factories to cause to be posted in each and every entrance hall, stair hall or room throughout the building, as well as in every elevator-car, in English, and also in such other language or languages as the administrative official shall direct, a notice of such prohibition, and the penalty for its violation.

(b) **Application.** Application for such permit shall be made only by the owner of the building on suitable blank forms to be furnished by the administrative official.

(c) **Time Limit.** Such permit shall be for a definite period, not exceeding one year, and shall not be renewed upon expiration until a reinspection of the premises for which it is issued has been made for the purpose of determining whether existing conditions warrant a renewal.

(d) **Conditions.** The permit shall state the conditions under which, the hours between which, and the place or places in such factory where smoking may be permitted, and this permit shall be framed and kept posted in a conspicuous place in the factory.

(e) **Revocation.** Violation of any of the conditions specified in the permit, in addition to incurring such penalties as are prescribed by law, shall be full and sufficient cause for the revocation of such permit by the administrative official, and shall not again issue a permit for the same premises until at least one year has elapsed.

Rule 2. Permissible Cases.

Smoking may be permitted in:

(a) Factories engaged in the manufacture of cigars, cigarettes, or smoking tobacco, when necessary for the efficient conduct of the business, provided that:

(1) No smoking other than that for sampling, testing and experimental purposes is carried on.

(2) Such smoking is conducted in a room provided especially for that purpose, separated from the rest of the building by fireproof or fire-resisting partitions, with all openings therein protected by selfclosing fire doors, and further, unless the building is of fireproof construction or provided with an approved automatic sprinkler system, the floor and ceiling of such room shall be covered with fire retarding material.

(3) Such chemical fire extinguishers as the administrative official may direct are installed.

(4) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

(b) Factories devoted entirely to one of the following occupancies:

Blacksmithing or horseshoeing;
Boiler making;
Brick, terra cotta or artificial stone works;
Forge shops;
Foundries;
Iron, steel, brass or copper works;
Machine shops;
Smelting;
Stone or monumental works;

provided that in any case:

(1) The building is not of wooden construction;

(2) Such chemical fire extinguishers as the administrative official may direct are installed;

(3) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

RULES

RULES FOR THE MANUFACTURE, TESTING AND USE OF CONCRETE MASONRY UNITS

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS AUGUST 2, 1940. EFFECTIVE, IN ACCORDANCE WITH SECTION 665, SUBDIVISION C, OF THE NEW YORK CITY CHARTER, AUGUST 26, 1940 AND AMENDED JANUARY 22, 1941, EFFECTIVE FEBRUARY 17, 1941.

(639-40-SR)

SCOPE:

These rules shall apply only to concrete hollow or solid masonry blocks or tiles irrespective of use, size, shape and aggregates used in their manufacture, so as to obtain the quality of material intended within the scope of C26-309.0 (7.1.1.4), C26-412.0 (8.4.1), as further supplemented by these rules.

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraph 2, Charter of the City of New York, and C26-189.0, paragraph a, (2.2.1.1) a, and C26-305.0 (7.1.1), and C26-412.0 (8.4.1).

NOTE—References given herein preceded by C26- refer to specific sections of the Administrative Building Code.

1.0 DEFINITIONS.

1.1 Aggregate—The term "aggregate" shall mean inert material which is mixed with cement and water to produce concrete, consisting, in general of sand, pebbles, gravel, cinders, crushed stones, blast furnace slag, burnt shale or clay, or similar materials. Section C26-10.0a (1.2). Dense aggregates, such as sand, pebbles, crushed stones and crushed slag, shall be sound and durable and free from excessive amounts of dust, soft or flaky particles, or shale or other deleterious material. Concrete (block) Product aggregates shall consist of natural sands and gravels, crushed rock, or blast furnace slag, burnt shale, or clay, cinders or other inert materials having clean uncoated grains of strong and durable minerals. It shall be unlawful to use aggregates containing soft, friable, thin, flaky, elongated or laminated particles in excess of three percent, or containing unburnt shale in excess of one and one-half percent, or silt and crusher dust finer than the No. 100 standard sieve in excess of five percent. When all three groups of such deleterious materials are present in the aggregates, the combined amounts shall be less than five percent of the combined aggregate. These percentages shall be based on the weight of the combined aggregate as used in the concrete. For lightweight aggregates such as cinders, burnt clay or shale, or expanded slag, the amount of fine or soft material described above shall be limited so as not to affect the properties of the finished product as hereinafter specified, and shall not exceed fifteen percent of the total aggregates. The maximum size of the aggregate is the clear space between the sides of the smallest square opening through which eighty-five percent by weight of the coarse aggregate can be passed. See C26-31.0 (7.1.2.1). All aggregates shall be free from frost or lumps of frozen material. Where stationary aggregate bins are provided, a coil of steam pipe shall be arranged around the outlet of the bins so that the aggregate can be heated to remove frost and frozen lumps, or other heating methods approved by the Board in a specific case.

1.1.1 Fine Aggregate—All fine aggregate except sand as defined in 1.18 shall be considered as material passing a screen with four meshes per linear inch and shall have at least 15 percent retained on a number 8 screen and consisting of particles one quarter of an inch or less in size. See C26-10.0b (1.2).

1.1.2 Coarse Aggregate—shall be considered as material retained on a screen having four meshes per linear inch, the maximum size shall not exceed $\frac{1}{2}$ the thickness of the thinnest web of any concrete masonry unit when load bearing and $\frac{1}{2}$ the thickness when non-load bearing.

1.2 Blast Furnace Slag—The term "blast furnace slag" shall mean the non-metallic product, consisting essentially of silicates and alumino-silicates of lime, which is developed simultaneously with iron in a blast furnace. C26-24.0 (1.15).

1.3 Cement—Cement for use under these rules shall include only those Portland Cements, or High Early Strength Portland Cements as are approved by the Board. See C26-312.0, c (7.1.1.7.1).

1.4 Cinders—Cinders may contain a maximum of thirty-five percent by weight of unconsumed carbon and a maximum of one and one-half percent by weight of sulphur. Section C26-309.0 (7.1.1.4). Such cinders shall be of uniform quality, free from dirt, excessive dust, or other injurious or extraneous matter, but may include sulphur up to $1\frac{1}{2}$ percent.

1.5 Concrete Brick—Concrete brick shall consist of a structural unit, usually solid, of a size approximately 8 in. x $3\frac{3}{4}$ in. x $2\frac{1}{4}$ in., except as provided in Rule 6.1.4 with net cross-sectional area at least 75 percent of the gross area. It shall consist of a mixture of Portland Cement and other aggregates to produce a material to meet the strength requirements of Subdivision "a" of Section C26-307. or C26-359.0. See C26-26.0 (1.1.7).

1.6 Concrete Block Products—The term "concrete block products" shall mean bricks, blocks or other units made of cement, aggregates, and water. C26-39.0 (1.30).

1.7 Crushed Stone—The term "crushed stone" shall mean bedded rock or boulders, broken by mechanical means into fragments of varying shapes and sizes. C26-44.0 (1.35).

1.8 Faced Wall—The term "faced wall" shall mean a wall faced with masonry in which the facing and backing are so bonded, or so bonded and anchored, with masonry as to exert common action under load. C26-62.0 (1.5.4).

1.9 Filler Blocks—Filler blocks of concrete masonry units when permanently set in a ribbed floor system, may have structural properties in accordance with the limitations as provided in C26-476.0 (8.5.8) and Rule 9.3.2.

1.10 Gravel—The term "gravel" shall mean rounded particles, larger than sand grains, resulting from the natural disintegration of rocks. C26-79.0 (1.71).

1.11 Hollow Unit—The term "hollow unit" shall mean any masonry unit whose net cross-sectional area is less than seventy-five percent of its gross cross-sectional area in any plane, measured in the same plane. C26-83.0 (1.75) (as laid in the wall).

1.12 Hollow Masonry—The term "hollow masonry" shall mean masonry consisting wholly or in part of hollow units meeting the strength requirements of sections C26-308.0, C26-309.0, and C26-310.0, and in which the units are laid contiguously with the joints filled with mortar. C26-84.0 (1.76).

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1.13 Hollow Wall—The term "hollow wall" shall mean a wall built of solid masonry units so arranged as to provide an air space within the wall. C26-85.0 (1.77).

1.14 Masonry—The term "masonry" shall mean stone, brick, concrete, hollow tile, concrete block or tile, or other similar building units, or materials or a combination of them, bonded together with mortar. C26-93.0 (1.85).

1.15 Non-Bearing Wall—The term "non-bearing wall" shall mean any wall which carries no load other than its own weight. C26-98.0 (1.90).

1.16 Partition—The term "partition" shall mean a non-bearing interior wall one story or less in height. C26-108.0 (1.101).

1.17 Plaster—The term "plaster" shall mean gypsum or Portland cement plaster. Unless otherwise provided, plaster shall be $\frac{1}{2}$ in. of Portland cement plaster consisting of one part Portland cement, three parts sand and 10% lime putty or $\frac{1}{2}$ in. of gypsum plaster consisting of a scratch and brown coat of plaster or gypsum plaster, mixed in proportion of one part gypsum plaster to three parts sand by weight and finished with $\frac{1}{8}$ in. white coat of lime putty or other approved finishing material.

1.18 Sand—The term "sand" shall mean small grains one-quarter of an inch or less in size resulting from the natural disintegration of rocks. C26-131.0 (1.126). Sand shall be clean, sharp, coarse and siliceous, free from salt, lime, clay or other foreign materials. C26-312.0 (7.1.1.7.5).

1.19 Solid Masonry—The term "solid masonry" shall mean masonry consisting of stone, brick, sand-lime or concrete brick, or other solid masonry units, or a combination, of these materials, laid contiguously with the spaces between the units filled with mortar, or monolithic concrete. Section C26-136.0 (1.131).

1.20 Solid Structural Unit—The term "solid structural unit" shall mean a building unit having a gross volume at least fifty percent greater than a brick, with a net cross-sectional area in any plane at least seventy-five percent of the gross cross-sectional area measured in the same plane. C26-137.0 (1.132) (as laid in the wall). Wherever the term solid cement block, solid cinder block, or solid concrete unit is used, it shall be interpreted to mean a solid structural unit.

1.21 Veneered Wall—The term "veneered wall" shall mean a wall with a masonry facing which is attached to, but not bonded so as to form an integral part of the wall for purposes of load bearing and stability. C26-157.0 (1.148). Also see Rule 9.1.5.2.

1.22 Water—Water shall be clean, free from all organic materials, strong acids or alkalis, or shall be the water used in the city for drinking purposes. C26-312.0 (7.1.1.7.6).

1.23 Water-Cement Ratio—The term "water-cement ratio" shall mean the total quantity of water entering the mixture, including the surface water carried by the aggregate, expressed in terms of the quantity of cement. The water-cement ratio shall be expressed in United States gallons per ninety-four pound sack of cement. C26-160.0 (1.152).

2.0 CONCRETE (BLOCK) PRODUCT MATERIALS AND WORKMANSHIP.

2.1 Materials—The materials used in the manufacture of concrete block products shall consist of approved Portland Cement or high early strength Portland Cement, mixed with such aggregates as sand, crushed stone, gravel, clean cinders, processed blast furnace slag and

burned clay or shale. These materials shall be mixed in such proportions with the proper water-cement ratio and so cured that the finished product shall be suitable to the requirements of the specific uses for which approval is sought.

2.2 Fixing of Batches—Batching of all materials shall be by either volume or by weight.

2.3 Water-Cement Ratio—The water-cement ratio when once determined for any type of concrete masonry unit shall be maintained throughout the manufacture of that particular unit. Corrections shall be made for the water content of the aggregate and a continuous record of the amount of water added per batch with an estimated allowance for the surface water within the aggregate, shall be kept and made available for inspection during working hours.

2.4 Proportions—The aggregate and the cement shall be proportioned in such a manner that the finished product will meet the quality and strength specifications contained in these rules. The maximum proportions of coarse aggregate, however, shall not exceed seventy percent of the total aggregate as defined herein.

2.5 Quality of Cement (Block) Products—The finished product shall be within the sizes as listed herein, free from cracks and other defects affecting the use and strength of the units and shall be sound in every respect.

2.5.1 The finished product shall have surface texture, color and size suitable to the requirements of its proposed usage.

3.0 SIZES OF CONCRETE (BLOCK) PRODUCTS

3.1 Height—The height of hollow or solid concrete (block) products for load bearing walls shall not be more than 8 inches, except for header units which may be three times the course height of the facing brick. The height of hollow or solid concrete block products for non-load bearing walls shall not be more than 12 inches.

3.2 Thickness—The thickness or width of hollow or solid concrete (block) products for non-load bearing walls and partitions shall not be less than 4 inches. For non-load walls and bearing partitions, such thickness shall be not less than 3 inches. Units used in furring shall not be less than 2 inches split, or 2 inches hollow or solid.

3.3 Length—The length of hollow or solid concrete (block) products shall be not more than 18 inches, except in non-load bearing partitions such units may be not more than 24 inches in length, except as otherwise approved by the Board in a specific case.

3.4 Tolerance—A tolerance of plus or minus $\frac{1}{4}$ inch shall be permitted on all concrete (block) products, except in the thickness of the web and shells where the thickness shall not be less than $\frac{1}{16}$ inch from that specified.

3.5 Header Units—Header units for use with brick or stone masonry making a composite or faced wall, shall not exceed three times the course height of the facing unit, with a maximum length of 18 inches with cutouts, arranged to allow 4 inches of masonry bonding of the facing unit.

3.6 Fire Resistive Ratings—Concrete (block) products shall consist of area and thickness of webs and shells for specific uses, as follow:

3.6.1 Fire Walls and Other Walls—Concrete (block) products used as fire walls and other walls requiring a fire resistive rating of four hours, shall meet the following requirements:

1. Solid structural units 8 inches thick.
2. Solid cinder concrete blocks 8 inches thick.
3. Solid cinder concrete blocks 6 inches thick plastered on both sides.

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4. Hollow concrete blocks (one piece) 12 inches thick with webs and shells at least $1\frac{1}{2}$ inches thick and at least 2 cells in wall thickness.
5. Hollow concrete blocks (one piece) 8 inches thick plastered on both sides, shells of which are at least $1\frac{1}{2}$ inches thick.
6. Hollow concrete block 4 inches in thickness having webs $\frac{7}{8}$ inch and shells 1 inch when used as a backup with brick at least $3\frac{3}{4}$ inches in width, or equivalent ashlar facing, with $\frac{1}{2}$ inch of plaster on the concrete block side.
7. Any other type of concrete block product shall meet the requirements for fire resistive rating. See C26-631.0 (10.4.1.1).

3.6.2 Fire Partitions—Concrete block products for use in fire partitions and shaft enclosures requiring a fire resistive rating of three hours shall meet the following requirements:

1. Solid brick, solid structural units 8 inches thick.
2. Solid cinder blocks, 6 inches thick.
3. Hollow concrete block, 8 inches thick, provided calcareous, burnt clay or cinder aggregates are used and the shells are at least $1\frac{1}{2}$ inches thick, if unplastered and at least $1\frac{1}{4}$ inches thick if plastered.
4. Hollow cinder block 6 inches thick with webs 1 inch and shells at least $1\frac{1}{2}$ inches thick, plastered on one side.
5. Hollow cinder block 4 inches thick having webs $\frac{7}{8}$ inch and shells one and $5/16$ inches plastered on both sides, with at least $\frac{1}{2}$ inch plaster.
6. Any other type of concrete block product shall meet the requirements for fire resistive rating. See C26-633.0 (10.4.2.1).

3.6.3 Stairway Enclosures and Other Places Requiring Fire Resistive Rating of Two Hours—Concrete block products for these uses shall meet the following specifications:

1. Solid brick or solid structural units 8" thick.
2. Solid cinder block 4" thick.
3. Solid cinder block 3" thick plastered on both sides.
4. Hollow concrete block 8" thick.
5. Hollow concrete block 4" thick with $\frac{7}{8}$ " shell plastered on both sides with at least $\frac{1}{2}$ " of plaster.
6. Any other type of concrete block product shall meet the requirements for fire resistive rating. See C26-635.0 (10.4.2.3).

3.6.4 Fireproof Partitions—Concrete block for use in fireproof partitions requiring a one-hour fire resistive rating, shall meet the following specifications:

1. Solid or hollow brick or solid concrete block 4" thick.
2. Solid cinder block 3" thick.
3. Hollow concrete block 3" thick having $\frac{7}{8}$ " web and $\frac{7}{8}$ " shell plastered on both sides with $\frac{1}{2}$ " plaster.
4. Any other type of concrete block product shall meet the requirements for fire resistive rating.

3.6.5 Protection of Structural Steel—Concrete brick, block or tile, except cinder concrete units, may be used in thickness and for ratings as follows:

$2\frac{1}{4}$ "	1 Hour
$2\frac{3}{4}$ "	2 Hour
$3\frac{3}{4}$ "	3 Hour
$3\frac{3}{4}$ "	4 Hour

Hollow or solid cinder concrete block and tile having a compressive strength of at least 700 p.s.i. of gross area may be used in thickness and ratings as follows:

$1\frac{1}{2}$ "	1 Hour
2 "	2 Hour
2 "	3 Hour
$2\frac{1}{2}$ "	4 Hour

See C26-309.0.2d. (7.1.1.4) and Rule 5.1.d. C26-575.0 (10.1.4).

Wherever the fire resistive rating is 3 Hours or more, voids between steel and concrete masonry units shall be filled with mortar.

3.6.6 Fire Resistive Rating of Other Materials—Concrete (block) products of materials other than sand, crushed stone, gravel or cinders, shall be required to furnish test data, in accordance with the requirements of C26-571.0 (10.1.1) for the fire resistive rating sought.

4.0 MANUFACTURE OF CONCRETE BLOCK PRODUCTS.

4.1 Proportioning of Aggregates.

4.1.1 Proportioning of aggregate shall be by weight or volume. When the correct mixture is ascertained, the equipment shall be set in such a manner as to insure the batching of the materials in the correct proportions.

4.1.2 Batching of Cement—Cement shall be batched in bags weighing 94 lbs. When cement in bulk is used, because of its tendency to fluff, it shall be weighed and the batch fixed to correspond with the required amount of fluffed bulk cement.

4.1.3 Consistency—Concrete block units made from dense aggregates on tamp or pressure machines shall be mixed as wet as practicable and still preventing sagging or distortion. Concrete made on vibrating or jolting machines shall be mixed as dry as practicable so as to completely fill the molds and produce a pronounced water web on the surface without slumping or sagging. Where the wet cast method of manufacture is used, the water content should be reduced to a minimum and the mixture vibrated or tamped and spaded so as to eliminate aggregate pockets and to insure filling of the molds.

4.1.3.1 Storage of Materials—Cement and aggregates shall be stored in such manner as to prevent deterioration or intrusion of foreign matter. Any material which has deteriorated or damaged shall not be used in the manufacture of concrete (block) products.

4.1.3.2 Freezing Weather—No concrete (block) products shall be manufactured during freezing weather unless artificial heat is provided so as to permit the manufacture, curing and drying of concrete (block) products of properties as provided in these Rules.

4.2 Mixing Machinery.

4.2.1 The dry mixing of dense aggregates and cement shall be for at least one minute before the addition of water. After the water is added

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the mixture shall be mixed for at least four minutes.

4.2.2 After all materials are placed in the mixer, they shall be mixed continuously from 4 to 8 minutes.

4.2.3 The mixing machine shall be of such type and capacity so as to insure thorough mixing. Each mixing machine shall be provided with a device for measuring and controlling the added water. A clock for timing the mix, with a dial not less than 8 inches in diameter with a large sweep second hand, shall be placed in such a position as to be readily readable by the operator of the mixer.

Where practicable the timing of the mixing shall be integrated with the capacity of the molding machine, in which event the manufacturer shall certify that the mixer used is of a size that will produce properly mixed materials in accordance with the mixing time as provided in Rule 4.2.0.

4.2.3.1 A continuous mixing machine may be used provided the capacity of such mixing machine shall be at least 50% greater than a corresponding batch mixer. The rate of water fed and the time of mixing for a specific number of revolutions of driving shaft and paddle arrangement in the mixer, when once determined for any type of concrete masonry unit, shall be maintained throughout the manufacture of that particular unit.

4.2.4 The block molding machinery shall consist of hand or power operated molding machines with compacting by pressure or tamping by hand or power, or by power vibration so as to produce concrete block products of such densities as required to produce strength and absorption values consistent with the rules and proposed use of the finished product. Precautions shall be taken to ascertain how much tamping or vibrating shall be provided so as to maintain the same density in all concrete (block) products, using the same ratio of fine and coarse aggregates, so as to maintain uniformity.

4.3 Curing of Concrete (Block) Products.

4.3.1 Method of Curing—All concrete (block) products shall be properly cured by either steam curing or by storing in an enclosed space and subjecting to artificial heat and moisture as follows:

4.3.1.1 Steam curing of freshly moulded units shall be accomplished by placing the units to be cured in a steel cylinder, room or tunnel made tight and so designed as to provide moisture above the saturation point at any temperature used. For low pressure steam and temperatures up to 140° F., the curing time shall not be less than 12 hours. For high pressure steam ranging from 120 to 125 p.s.i. and temperatures between 300-400° F. such period shall not be less than 6 hours. All units shall be properly dried prior to usage.

4.3.1.2 Wet curing of freshly moulded units shall be accomplished by placing such units in reasonably tight rooms or enclosures heated to prevent freezing and equipped with fog nozzles to provide moisture. When the outside temperature drops below 50° F., heat in addition to moisture must be supplied to maintain a temperature of at least 50° F. for not less than 72 hours. After curing, such units shall be stored under cover and allowed to dry for at least 25 days prior to usage.

5.0 PROPERTIES OF CONCRETE (BLOCK) PRODUCTS.

5.1 Concrete (block) products shall have properties as follows:

a. Hollow concrete block or tile when delivered for use shall have a minimum ultimate compressive strength of seven hundred pounds per square inch of gross area tested as laid in the wall.

b. Solid concrete building block when delivered for use shall have a minimum ultimate compressive strength of fifteen hundred pounds per square inch tested as laid in the wall.

c. Such block or tile shall comply with the following requirements for general properties under visual inspection:

1. They shall be sound, of compact structure, reasonably uniform in shape and free from cracks, warpage or foreign substances which would affect their serviceability or strength.

2. If cinders form part or all of the aggregate, the cinders may contain a maximum of thirty-five percent by weight of unconsumed carbon and a maximum of one and one-half percent by weight of sulphur.

d. When used in partitions, fireproofing and furring which are unexposed to the weather, solid or hollow concrete building block or tile having a minimum ultimate compressive strength of three hundred pounds per square inch of gross area tested as laid in the wall may be used. See C26-309 (7.1.1.4) as amended by local law 120, approved August 1, 1939, and local law Int. No. 220, passed April 25, 1940.

5.2 Test of Concrete (Block) Products.

5.2.1. Concrete block products shall be tested in accordance with A. S. T. M. specification C140-39, after proper curing and drying except as follows:

5.2.1.1 High and Low Pressure Steam cured and properly dried blocks immediately after drying.

5.2.1.2 Units cured by artificial heat and sprinklered water when dried under cover may be tested and used in not less than 28 days. And when high early strength Portland Cement is used, such time shall not be less than 15 days.

5.2.1.3 Individual minimum compressive strengths of test specimens shall not be less than:

Hollow units	600 p.s.i. gross cross-sectional area.
Solid units.	1300 p.s.i. gross cross-sectional area.

5.2.1.3.1 The speed of the moving head of the testing machine shall not exceed 0.05 inches per minute.

5.3 Absorption of concrete (block) products shall not exceed 15 pounds of water per cubic foot of concrete nor shall the moisture content when delivered exceed 40 percent of the total absorption based on an average of five units as tested.

5.3.1 Concrete (block) products not exposed to the elements or soil or protected by brick veneer or three coat Portland cement stucco at least 1 in. thick or other approved protective coatings need not be required to meet the absorption tests required under 5.3.

6.0 CONCRETE BRICK.

6.1 Concrete Brick For Use in Masonry Walls.

6.1.1 Concrete brick shall consist of a mixture of Portland Cement, sand, gravel, crushed stone or other approved aggregates.

6.1.2 Concrete brick shall be manufactured and cured as provided in Rule 4.0.

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6.1.3 The fire resisting rating of concrete brick shall be the same as for ordinary clay brick of similar thickness.

6.1.4 The size of concrete brick shall be as follows:

Depth	2¼"	—	1/16"	Tolerance
Width	3¾"	—	1/8"	"
Length	8"	—	1/4"	"

6.1.4.1 Concrete bricks of sizes different from the above may be used when approved by the Board.

6.2 Physical Requirements for Concrete Brick.

6.2.1 **Strength of Concrete Brick**—Concrete bricks shall have an average compressive strength, when tested flatwise, of 2500 p.s.i. for an average of 5 specimens, with no individual minimum less than 10%. The modulus of rupture, flatwise, for an average of 5 specimens tested shall be not less than 450 p.s.i. with no individual minimum less than 10%.

6.2.2 **Absorption of Concrete Brick**—Absorption requirements shall be the same as those provided for concrete (block) products in Rule 5.3.

7.0 FILLER BLOCK FOR RIBBED FLOOR CONSTRUCTION.

7.1 Ribbed floor construction shall include floor systems with slabs and ribs placed monolithically between permanent or removable fillers, in which the ribs are spaced thirty inches or less from face to face. The ribs shall be straight, at least four inches in width, and of maximum clear depth not to exceed three times the average width. See C26-476.0a (8.5.8).

7.2 When concrete or scored burnt clay tile are used, the thickness of the slab shall be at least one-twelfth of the clear distance between the ribs with a minimum of one and one-half inches. Where such tile are of strength at least equal to that of concrete and the joints are staggered, the shells in contact with the concrete may be included in the resisting sections. In a two-way construction, provided the tile filler is completely surrounded by concrete ribs as specified, the exterior shells of the tile in contact with the concrete may be used for strength calculations for shear and bending and where the top slab is not required for strength such top slab may be omitted provided the construction is protected by at least two inches of incombustible material. See C26-476.0 (8.5.8) b.

7.3 Concrete filler block or tile for use in ribbed floor construction shall consist of a mixture of Portland cement or high early strength Portland cement, sand, gravel, crushed stone or other approved aggregates, manufactured, cured and stored as provided in Rule 4.0.

7.4 For use in ribbed floor construction, such filler tile or block shall have webs and shells not less than 1" in thickness and shall have properties as follows:

7.4.1 The surfaces of the filler block in contact with the concrete rib and top slab shall provide a good bond.

7.4.2 The average compressive strength over the net area of five such filler units, when manufactured, cured and stored as required in Rule 4.0, shall be at least equal to that of the concrete in the ribs of a specific job on which it is to be used.

7.4.3 The modulus of elasticity of the mix used shall be determined preferably from a test of an average of six filler blocks or in lieu thereof five tamped and rodded cylinders approximating a density (checked by weighing) equivalent to that of the filler block, 6 inches in diameter and 12

inches high, when manufactured, cured and stored under the same conditions as the filler units and as required in Rule 4.0. From the value of modulus of elasticity as obtained in this test and that of the concrete in the rib, a composite modulus shall be derived, in accordance with the theory of flexure as defined in Hooke's Law. The percentage obtained from the ratio of the modulus of elasticity of the composite section to the modulus of elasticity of the concrete in the rib will provide a new "n" value indicative of the resistance of the composite construction of the particular filler block and type of concrete used in the rib.

7.4.4 The materials and method of mixing as used to determine the physical properties of filler block in Rules 7.4.1 and 7.4.3, once fixed, shall be maintained for that job order to assure the delivery of homogeneous units of a type as tested.

8.0 MARKING OF ALL CONCRETE (BLOCK) PRODUCTS.

8.1 Concrete block products used as fillers and in partitions, furring or fireproofing purposes when not exposed to the weather and when tested to a compressive strength of 300 p.s.i. over the gross area, shall have a clearly discernible mark distinguishing them from load-bearing units.

8.2 Units used for load bearing walls and tested to a compressive strength of over the gross area of 700 p.s.i. for hollow units and 1500 p.s.i. for solid units, suitably identified in the case of load-bearing hollow units, either by having the letters "L.B.H.," or by having a raised vertical mark on the end web at least one inch wide and extending one-half the height of the unit and in the case of load-bearing solid units either by having the letters "L.B.S." or a raised vertical mark at least one-half inch wide on the web for the full height of the unit, and which also shall have the manufacturer's distinguishing mark as provided in Rule 8.4. On each shipment to a job, the delivery slip shall qualify the markings on the concrete masonry units.

8.3 Units used for filler blocks in ribbed floor construction shall be identified as filler block, "F.B.," and shall also carry the manufacturer's distinguishing mark as provided in Rule 8.4.

8.4 The manufacturer's distinguishing mark shall consist of an impression, embossing or painting on the unit. Nine copies of such distinguishing mark shall be filed with the Board. All delivery slips shall be stamped, reading as follows:—Approved by the Board of Standards and Appeals for use in New York City under Cal. No.

8.5 Contracts for all concrete (block) products shall include a proviso from the manufacturer or his representative stating the material, type, use, compressive strength, water absorption, and, in addition, in the case of filler block, the modulus of elasticity.

9.0 USES OF CONCRETE (BLOCK) PRODUCTS.

9.1 Hollow Units.

9.1.1 Load Bearing Hollow Units.

9.1.1.1 Hollow concrete block or tile, when delivered for use, shall have a minimum, ultimate compressive strength of 700 p.s.i. of gross area tested as laid in the wall. C26-309.0 (7.1.1.4)a.

9.1.1.2 The allowable working stresses for concrete block or tile masonry, due to combined live and dead loads, shall be one-tenth of the ultimate compressive strength where cement mortar is used, and one-twelfth where cement lime mortar is used. Concrete block or tile building units for load bearing

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walls or piers shall be laid in cement or cement lime mortar. C26-358.0 (7.4.2.4).

9.1.2 Masonry foundation walls shall have a thickness at least equal to that of the wall next above, and at least equal to the thickness given in inches in the table below:

	Solid masonry	Hollow masonry	Hollow walls of brick (concrete)
Private dwellings at most twenty feet high and one-story structures at most twenty feet high.....	8	12	12
Private dwelling over twenty feet high or other structures of more than one-story and over twenty feet high	12	16	16

Foundation walls of hollow blocks may be used above grade when the upper walls are of wood frame or of hollow building block construction. All other foundation walls shall be of solid masonry, except when the structure is without basement or cellar. C26-397.0 (8.3.1.6).

9.1.3 Thickness.

In structures over two stories high, except private residences, foundation walls shall be at least four inches thicker than the wall section next above, except that when the walls are of hollow units or are hollow walls of brick, the foundation walls may be of the same thickness as the walls next above, provided such foundation walls are built of solid masonry or concrete and that a maximum of two stories above the foundation are of the same thickness. C26-397.0 (8.3.1.6)c.

9.1.4 Walls of Hollow Block or Tile.

9.1.4.1 Walls of hollow block or tile or solid structural units shall have the spaces between the units filled with mortar. The requirements of sections C26-416.0 through C26-421.0 and of section C26-426.0 shall apply to such walls.

9.1.4.2 In all walls of hollow block or tile or solid structural units, built only one unit in thickness, each unit shall break joints with those next above. When more than one unit is required to produce a given wall thickness, the units shall break joints with the units next above and shall be laid with a masonry bond equivalent to one course of bonding units to each three courses of stretcher* units, but in no event shall the interval between bonding courses be greater than twenty-six inches. C26-431.0 b, 1, as amended by Local Law No. 94. In the case of non-bearing interior partitions one story or less in height, constructed of units to be left exposed on one or both sides for architectural effect, these bonding requirements may be waived.

* The bonding specified applies only to combination walls of hollow block, tile or solid structural units and does not apply to faced walls covered by C26-440.0 (8.4.7).

9.1.4.3 Where walls of hollow masonry are decreased in thickness, the units in the top course of the thicker wall shall be filled solidly with concrete or shall be covered with slabs of

solid masonry at least one inch in thickness, or solid units shall be used for the top course.

9.1.4.4 Where anchors are used in walls of hollow masonry, such anchors shall be galvanized, or shall be of non-corroding metal of adequate size and substantial construction.

9.1.4.5 Where hollow units are set with cells horizontal, such units shall be set in a full bed of mortar one-half of an inch or less in thickness, with vertical joints buttered full on shells and webs; where such units are set with cells vertical, the bearing members shall be buttered and vertical joints slushed full of mortar.

9.1.4.6 Wherever girders, beams, joists, or other structural members frame into masonry of hollow block or tile or solid building block, such members shall rest upon such solid combustible material as will properly distribute the load.

9.1.4.7 The minimum thickness in inches of bearing walls of hollow masonry, except in private dwellings thirty-five feet or less in height, and mixed occupancies as provided in subdivision a of section C26-443.0, shall be:

40	10			
30	10	10		
20	12	10	10	
10	12	12	10	10
Height of wall in ft.	40	30	20	10

9.1.4.8 The maximum height for walls or portions of walls of hollow masonry in any class of structure shall be forty feet above the support of such walls or portions of walls.

9.1.4.9 Walls of hollow masonry may be constructed to the maximum permissible height on top of a solid masonry wall whose maximum height is thirty feet above the first tier of beams. The minimum thickness of such walls shall be based upon the requirements of section C26-427.0, and if such walls are bearing walls, such thicknesses, shall be based on the requirements of subdivision g of this section, and the solid masonry wall below shall be at least of the same thickness as that of the hollow masonry wall.

See C26-431.0 a through i (8.4.3.2).

9.1.5 Veneered Walls.

9.1.5.1 Anchorage for veneered masonry walls shall comply with C26-437.0-1-2-3 (8.4.6.1 through 8.4.6.3).

9.1.5.2 Thickness and height of veneered walls shall not be included in calculating the bearing wall thickness and the required thickness of the wall. The maximum height of veneering on walls, other than panel or enclosure walls, shall be forty feet above the foundations. See C26-438.0 (8.4.6.2).

9.1.6 Faced Walls.

9.1.6.1 Faced walls shall be of at least the thickness required for masonry walls of the material forming the backing. Facings of brick or solid structural units shall be bonded into the backing with headers, or stretchers at least for inches thicker than the facing, the equivalent of one-sixth of the area of wall. Dressed stone facings shall be bonded to the backing with the equivalent of approximately one-fifth of the superficial area in bond stone at least four inches thicker than the facing, in addition to which, every stone other than bond stone shall be anchored to the backing with at least one non-corroding metal anchor, at least three-

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sixteenths of an inch by one inch, or the equivalent, in cross-sectional area. In the case of plain coursed ashlar the bond stone shall occur at least as every alternate stone in every third course.

In the case of random ashlar, range work or other jointing schemes where the more frequently spaced smaller units are used for bond stone, the metal anchors may be omitted, provided the superficial area of the bond stone is at least equal to that required for brick facing, one-sixth the area of the wall.

When faced walls are built of different materials, the minimum thickness shall be that required for masonry walls built entirely of the material having the lower compressive strength.

The height of a single course in faced walls shall, in all cases, except for pilaster and spandrel facing stone, be at most ten times the thickness of the facing material.

When facing is used, such facing shall not be figured in the strength of the wall unless such facing is at least four inches in thickness or at least the normal thickness of an average brick.

See C26-440.0 a through e (8.4.7).

9.1.6.2 The total thickness of the wall, except as noted above, shall be used in computing the load carrying capacity of the wall, and the average allowable stress shall be based on the ultimate compressive strength of the weaker material.

9.1.7 Party and Fire Walls.

9.1.7.1 Party walls may be of any type of masonry provided for herein and shall comply with all requirements for bearing walls. Party walls which function also as fire walls shall, in addition, conform to the requirements of section C26-631.0 and of section C26-632.0.

It shall be unlawful to load any party wall on either side to more than fifty percent of its allowable loading. See C26-441.0 (8.4.8.1).

9.1.7.2 Fire walls of masonry shall meet the material, thickness and construction requirements of section C26-631.0 and of section C26-632.0. See C26-442.0 (8.4.8.2) and Rule 3.6.1.

9.1.8 Special Forms of Walls.

9.1.8.1 Bearing Walls for Private Dwellings—Bearing walls for private dwellings shall have a minimum thickness for dwellings thirty-five feet or less in height as follows:

	Solid Masonry			Hollow Masonry and Hollow Walls of Solid Structural Units		
3	8	..	..	8	..	..
2	8	8	8	8	8	..
1	8	8	8	10	8	8
Stories	3	2	1	3	2	1

See C26-443.0 (8.4.9.1).

9.1.8.1.1 In such cases, faced walls of 4 inches of brick and 4 inches of hollow block may be used with header courses every 7th course. This shall apply to residence buildings only, which are not in excess of two stories or 20 feet in height.

9.1.8.1.2 In three-story structures having a maximum width of twenty-five feet, where the first story is used for commer-

cial purposes and the upper stories for residence purposes, the minimum thickness of bearing walls shall be eight inches. See C26-443.0 (8.4.9.1.1).

9.1.9 Parapet Walls.

Parapet walls may be constructed of hollow masonry, in accordance with C26-444.0 (8.4.9.2).

9.1.10 Non-Bearing Masonry Walls.

The minimum thickness of non-bearing masonry walls, except as provided in sections C26-428.0 and C26-446.0, may be four inches less than the thickness required for bearing walls, except that any such wall shall be at least eight inches thick. See C26-445.0 (8.4.9.3).

9.1.11 Panel Apron and Spandrel Walls.

Panel, apron and spandrel walls of masonry in skeleton frame structures shall be at least eight inches thick if such walls are constructed of solid masonry, or at least twelve inches thick if such walls are constructed of hollow masonry or at least ten inches thick, if such walls are constructed of combinations of hollow and solid masonry, except that spandrel and apron walls may be eight inches thick or may be of materials, or of assemblies or materials, other than masonry, meeting the requirements of article eleven of the Building Code. Combinations of hollow and solid masonry shall be constructed with at least four inches of solid masonry on the exterior face. The maximum height between supports of such walls when constructed of these minimum thicknesses shall be thirteen feet. When such walls exceed thirteen feet in height, they shall be increased two inches in thickness for each six and one-half feet or fraction thereof that the height is increased.

Panel walls shall be bonded or otherwise so secured to the structures as to furnish adequate lateral support to the wall. See C26-446.0 (8.4.9.4).

9.1.12 Enclosure Walls.

Enclosure walls shall meet all the requirements of height, thickness and type of construction prescribed for bearing walls. See C26-447.0 (8.4.9.5)

9.1.13 Masonry Curtain Walls.

Curtain walls of solid masonry shall be at least eight inches thick for the uppermost thirteen feet and at least twelve inches thick for the next fifty-two feet or fraction thereof below and shall be increased four inches in thickness for each succeeding sixty feet or fraction thereof below.

When masonry curtain walls are built of masonry other than solid masonry, such walls shall be at least ten inches thick for the first thirteen feet, twelve inches thick for the next lower thirty-nine feet and shall be increased in thickness four inches for each thirty-nine feet or fraction thereof next below, provided that the maximum horizontal distance between lateral supports shall be twenty feet. When the distance between the lateral supports exceeds twenty feet, the thicknesses of all walls specified in this section shall be increased four inches for each additional ten feet or fraction thereof between lateral supports. Curtain walls of hollow masonry twelve inches or more in thickness shall be made of at least two bonded units. See C26-448.0 (8.4.9.6).

9.2 Uses of Concrete Block Products including Concrete Brick.

9.2.1 Solid building block when delivered for use shall have a minimum ultimate compressive strength of 1500 p.s.i. tested as laid in the wall. C26-309.0 b (7.1.1.4).

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9.2.2 The allowable working stresses for solid units of concrete (block) products shall be in accordance with the requirements of C26-358.0 (7.4.2.4) and for concrete brick the allowable working stresses shall be as provided for in C26-356.0 a, (7.4.2.2).

9.2.3 Solid units may be used wherever hollow units are permitted under Rule 9.1 when used under the same conditions. In addition to such uses, solid units shall be used as follows:

9.2.3.1 Solid Units in Masonry Foundation Wall.

Solid concrete (block) products for use in masonry foundation walls shall be in accordance with the requirements of Rule 9.2.1-2.

9.2.3.2 Masonry piers shall be built of solid masonry and, except as provided in section C26-314.0, shall be laid in cement mortar or cement-lime mortar, and the maximum unsupported height shall be ten times the least dimension. Sections of panel walls in skeleton construction shall not be considered as piers.

It shall be unlawful to have openings or chases within the required area of any pier. Masonry piers shall be bonded in accordance with the requirements of C26-424.0 except that when concrete (block) products are used, they shall be laid with a masonry bond equivalent to one course of headers to each three courses of stretchers. See C26-431 b2. See also C26-415.0a.

9.2.3.3 Solid Masonry Walls.

9.2.3.3.1 Bonding of Wall Intersections.

When two bearing walls meet or intersect and the courses are carried up together, the intersection shall be bonded by laying in a true bond at least fifty percent of the units at the intersection.

When the courses of meeting or intersecting bearing walls are carried up separately, the perpendicular joint shall be regularly toothed or blocked with eight-inch maximum offsets, and the joints shall be provided with metal anchors having a minimum section of one-quarter of an inch by one and one-half inches, with ends bent up at least two inches, or with cross pins to form anchorage. Such anchors shall be at least two feet long and the maximum spacing shall be four feet.

Meeting or intersecting non-bearing walls shall be bonded or anchored to each other in an approved manner. See C26-426.0 (8.4.2.4).

9.2.3.3.2 Thickness of Solid Bearing Walls.

The thickness in inches of solid masonry bearing walls for the respective story heights, with the exception of private dwellings thirty-five feet or less in height and mixed occupancies provided for in section C26-443.0, shall be at least:

8	.....	12							
7	.....	12	12						
6	.....	12	12	12					
5	.....	12	12	12	12				
4	.....	16	12	12	12	12			
3	.....	16	16	12	12	12	8		
2	.....	16	16	16	12	12	12	8	
1	.....	20	16	16	16	12	12	12	8
Stories	...	8	7	6	5	4	3	2	1

For the purpose of calculating wall thicknesses, thirteen feet shall be assumed to be the maximum height of a story.

Regardless of the requirements of this section, it shall be unnecessary for the thickness of solid masonry bearing walls for structures of at most seventy-five feet in height to exceed twelve inches for the uppermost fifty-five feet* of height and sixteen inches for wall below the required twelve-inch wall. Where, under the foregoing provision, a change in required thickness of wall occurs between two floors, thickness required at that tier of beams nearest the elevation of the required change shall govern.

* Note:—The Board under Calendar 308-38-A interpreted the Building Code requirement as follows:

"WHEREAS, it has been brought to the board's attention that there is a conflict of opinion as to the intent of section C26-427.0 of the administrative code (8.4.2.5).

Resolved, that section C26-427.0 of the administrative code (8.4.2.5) shall be taken to mean as follows, as to figuring the uppermost 55 feet of bearing wall and the point where a change of thickness is required: height of wall and height of story are defined in C26-82.0 (1.74). Subject to this definition as to parapet, the top of the wall shall be taken as the top surface of the highest point of the beams directly supporting the roof boarding. When the base of the 55 foot wall occurs between floors, this shall be taken to mean within the story as defined in C26-145.0 (1.138). If the base of such wall occurs at a point below the middle point in the height of a story, the change of wall thickness may be made at the next lower tier of beams. If the base of such wall occurs above the middle point in the height of a story, the thicker wall shall be carried up to the next higher tier of beams. For calculation of wall thickness, the code provides that 13 feet shall be assumed as the maximum height of a story."

When the clear span between bearing walls or between a bearing wall and an intermediate support is more than twenty-six feet, the thickness of such walls shall be increased four inches in thickness for each twelve and one-half feet or fraction thereof that such span is in excess of twenty-six feet, except where such bearing walls are adequately reinforced by buttresses. See C26-427.0 (8.4.2.5).

9.2.3.3.3 Thickness of Interior Walls in Residence Structures.

The thickness in inches of interior bearing walls with bearings on both sides in residence structures for the respective story height shall be at least:

6	.....	8							
5	.....	8	8						
4	.....	8	8	8					
3	.....	8	8	8	8				
2	.....	12	8	8	8	8			
1	.....	12	12	8	8	8	8		
Stories	.....	6	5	4	3	2	1		

Where interior walls in residence structures have bearing on one side only or are non-bearing, the required thickness in inches shall be eight inches for the uppermost fifty-five feet of wall height and twelve inches below the fifty-five foot distance from top of such walls.

Where wood floor and roof beams bear on both sides, such beams shall be staggered on the bearing wall and there shall be at least four inches of masonry between any two such wood beams.

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The maximum length of such bearing and non-bearing walls between cross-walls, cross-bracing, piers or buttresses shall be thirty feet. See C26-428.0 (8.4.2.6).

9.2.3.3.4 Solid Masonry Walls Above Roof Levels.

Solid masonry walls above roof levels, twelve feet or less in height, enclosing stairways, elevator shafts, penthouses, or bulkheads shall be at least eight inches thick and may be considered as neither increasing the height nor requiring any increase in the thickness of the wall below, provided the allowable working stress requirements are met. See C26-429.0 (8.4.2.7).

9.2.4 Special Forms of Masonry.

9.2.4.1 Increasing Height of Walls—If it is desired to increase the height of any wall, erected before January first, nineteen hundred thirty-eight, which is thinner than required by the Code, such wall shall be reinforced by a lining of solid masonry so that the combined thickness shall be at least four inches more than is required for a new wall corresponding with the total height of the wall when increased in height; provided that it shall be unlawful to use such lining to a greater height than forty feet or to increase the height of such wall to exceed seventy-five feet. Such lining shall be supported on proper foundations and shall be at least eight inches in thickness and so anchored to the old wall as to make the reconstructed wall act as a unit. Where any lining is to be built against an old wall, such wall shall be first cleaned of plaster or other coatings. Walls to be lined shall be in good condition and the approval of the superintendent shall be necessary before the work begins. See C26-454.0 (8.4.9.12).

9.2.4.2 Height of Unsupported Walls—The maximum unsupported height of any masonry wall during the period of construction shall be two stories or twenty-six feet, unless satisfactory support is provided and specific approval of the superintendent obtained, except when walls are carried separately by structural members on each story. See C26-445.0 (8.4.9.13)

9.2.4.3 Stairway, Elevator and Similar Enclosures.

Enclosing walls of interior shafts, if non-bearing, shall meet the requirements for non-bearing walls, and if such walls are bearing, they shall meet the requirements for bearing walls, except as provided in section C26-428.0, and where such enclosing walls are supported at each story on structural members.

Where the enclosures are supported by structural members at each story, such enclosures shall meet the requirements of sections C26-638.0 through C26-647.0 and of sections C26-660.0 through C26-665.0. See section C26-456.0 (8.4.9.14).

9.3 Filler Block for Ribbed Floor Construction.

9.3.1 Filler blocks of concrete (block) products used merely as fillers in ribbed floor construction, shall consist of any approved concrete (filler block) product with no structural properties of resisting shear and bending attributed to it in the computations.

9.3.2 Filler blocks of concrete (block) products used in resisting shear and moment, as provided in C26-476.0 (8.5.8) and having properties as provided

in Rule 7.0, may be used in one and two-way ribbed floor construction. When so used, the analysis and application of the equivalent resisting section shall be as follows:

9.3.2.1 Equivalent resisting reinforced composite section to resist positive moment shall be the beam formed by the concrete rib and the slab plus the shell and top flange of the concrete (block) product.

9.3.2.2 Equivalent resisting reinforced composite section to resist negative moment shall be the beam formed by the concrete rib and the vertical shell of the block plus 50 per cent of the bottom flange in one-way construction and all of such flange in two-way construction.

9.3.2.3 The equivalent resisting reinforced composite section to resist shear, with or without the top slab, shall be the rectangular beam formed by the concrete rib and vertical shell of the filler block.

9.3.2.4 The equivalent resisting reinforced composite section to resist either positive or negative moment, where the top slab is omitted, shall be the rectangular beam formed by the concrete rib and the vertical shell plus 50 per cent of the horizontal flanges of the filler block in one-way construction and all of such flanges in two-way construction, provided that the filler block is entirely surrounded by concrete ribs and the joints between the blocks are staggered.

9.3.3 In the construction of all ribbed floor systems precautions shall be taken so that the edges of filler blocks shall be placed straight and in plane so as to provide tight, uniform joints where they contact. All burrs shall be removed.

9.3.3.1 Filler blocks for special types for ribbed floor systems may be manufactured as provided herein and tested under the requirement of C26-626.0 (10.3.8) for such values as may be justified from the test results in accordance with the aforesaid section.

Rule 505 of the Industrial Code; Amendment Adopted April 3, 1923.

Fire-resisting partitions shall be continued through wood floors or shall extend from the upper side of the wood floor in any story to the underside of the wood floor and timbers in the story above to which they shall be safely secured, and shall form, with the fire-resisting doors, floors and ceilings, an unbroken, fire-resisting protection, separating the stairway and exit passageways from the non-resisting portions of the building. In unfilled wood stud partitions, the space between the beams shall be fire-stopped by approved fire-resisting materials.

In general, fire-resisting partitions shall be self-supporting or safely supported on fireproofed steel or reinforced concrete beams, girders and columns, or upon wood beams, girders and columns made fire-resisting by approved fire-resisting materials.

In special cases, in existing buildings, where the fire-resisting partitions are not in a vertical line, they may rest upon wood beams and girders, provided that all the header and trimmer beams supporting said partitions are made fire-resisting by approved fire-resisting materials on that portion where the extreme fibre stress exceeds three-quarters of the safe allowable working stress.

Wire glass not less than $\frac{1}{4}$ inch thick will be permitted in fire-resisting partitions and doors when set in stationary fireproof sash and frames, not exceeding, however, 360 square inches for any single pane of glass and not exceeding 720 square inches on any story.

Except in cases where the superintendent of the buildings deems a solid fire door necessary.

RULES

REVISED CERTIFICATE OF OCCUPANCY FORM APPROVED BY THE
BOARD OF STANDARDS AND APPEALS, JULY 12, 1938 (CAL. NO. 40-32-SR).

DEPARTMENT OF HOUSING AND BUILDINGS
BOROUGH OF , CITY OF NEW YORK

No.

Date.....

CERTIFICATE OF OCCUPANCY

(Standard form adopted by the Board of Standards and Appeals and issued pursuant to Section 646 of the New York City Charter, and Sections C.26-181.0 to C.26-187.0 inclusive, Administrative Code (2.1.3.1 to 2.1.3.7 B.C.))

This certificate supersedes C.O. #

To the owner or owners of the building or premises:—

THIS CERTIFIES that the new—altered—existing—building—premises located at

Block _____, Lot _____ conforms substantially to the approved plans and specifications, and to the requirements of the building code and all other laws and ordinances, and of the rules and regulations of the Board of Standards and Appeals, applicable to a building of its class and kind at the time the permit was issued; and CERTIFIES FURTHER that, any provisions of section 646F of the New York City Charter have been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent.

N.B. or Alt. No.

. Construction classification

Occupancy classification

. Height

stories,

feet.

Date of completion

. Located in

Use District

Area

. Height

. Zone at time of issuance of permit

THIS CERTIFICATE IS ISSUED SUBJECT TO THE LIMITATIONS HEREINAFTER SPECIFIED AND TO THE FOLLOWING RESOLUTIONS OF THE BOARD OF STANDARDS AND APPEALS:

(Calendar numbers to be inserted here)

PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOADS LBS. PER SQ. FT.	PERSONS ACCOMMODATED			USE
		MALE	FEMALE	TOTAL	

Borough Superintendent

RULES

NO CHANGES OF USE OR OCCUPANCY NOT CONSISTENT WITH THIS CERTIFICATE SHALL BE MADE UNLESS FIRST APPROVED BY THE BOROUGH SUPERINTENDENT

Unless an approval for the same has been obtained from the Borough Superintendent, no change or rearrangement in the structural parts of the building, or affecting the light and ventilation of any part thereof, or in the exit facilities, shall be made; no enlargement, whether by extending on any side or by increasing in height shall be made; nor shall the building be moved from one location or position to another; nor shall there be any reduction or diminution of the area of the lot or plot on which the building is located.

The building or any part thereof shall not be used for any purpose other than that for which it is certified.

The superimposed, uniformly distributed loads, or concentrated loads producing the same stresses in the construction in any story shall not exceed the live loads specified above; the number of persons of either sex in any story shall not exceed that specified when sex is indicated, nor shall the aggregate number of persons in any story exceed the specified total; and the use to which any story may be put shall be restricted to that fixed by this certificate except as specifically stated.

This certificate does not in any way relieve the owner or owners or any other person or persons in possession or control of the building or any part thereof, from obtaining such other permits, licenses or approvals as may be prescribed by law for the uses or purposes for which the building is designed or intended; nor from obtaining the special certificates required for the use and operation of elevators; nor from the installation of fire alarm systems where required by law; nor from complying with any lawful order for additional fire extinguishing appliances under the discretionary powers of the Fire Commissioner; nor from complying with any lawful order issued with the object of maintaining the building in a safe or lawful condition; nor from complying with any authorized direction to remove encroachments into a public highway or other public place, whether attached to or part of the building or not.

If this certificate is marked "Temporary", it is applicable only to those parts of the building indicated on its face, and certifies to the legal use and occupancy of only such parts of the building; it is subject to all the provisions and conditions applying to a final or permanent certificate; it is not applicable to any building under the jurisdiction of the Housing Division unless it is also approved and endorsed by them, and it must be replaced by a full certificate at the date of expiration.

If this certificate is for an existing building, erected prior to March 14, 1916, it has been duly inspected and it has been found to have been occupied or arranged to be occupied prior to March 14, 1916, as noted on the reverse side, and that on information and belief, since that date there has been no alteration or conversion to a use that changed its classification as defined in the Building Code, or that would necessitate compliance with some special requirement or with the State Labor Law or any other law or ordinance; that there are no notices of violations or orders pending in the Department of Housing and Buildings at this time; that Section 646F of the New York City Charter has been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent, and that, so long as the building is not altered, except by permission of the Borough Superintendent, the existing use and occupancy may be continued.

"§ 646 F. No certificate of occupancy shall be issued for any building, structure, enclosure, place or premises wherein containers for combustibles, chemicals, explosives, inflammables and other dangerous substances, articles, compounds or mixtures are stored, or wherein automatic or other fire alarm systems or fire extinguishing equipment are required by law to be or are installed, until the Fire Commissioner has tested and inspected and has certified his approval in writing of the installation of such containers, systems or equipment to the Superintendent of the borough in which the installation has been made. Such approval shall be recorded on the certificate of occupancy."

Additional copies of this certificate will be furnished to persons having an interest in the building or premises, upon payment of a fee of fifty cents per copy.

RULES

RULES FOR LIQUEFIERS USED TO CONVERT SOLID CARBON DIOXIDE TO A LIQUID AND/OR A GAS, IN ACCORDANCE WITH THE PROVISIONS OF SECTION C 19-94.0 OF THE ADMINISTRATIVE CODE

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS JUNE 26, 1936.
EFFECTIVE, JULY 27, 1936.

(262-35-SR)

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666 of the New York City Charter, for the carrying into effect the provisions of section C 19-94.0 of the Administrative Code.

Rule 1. Certificate of Approval.

A certificate of Approval shall be obtained by the manufacturer from the Fire Chief and Commissioner for each type of liquefier or converter to be used for the conversion of solid carbon dioxide to liquid carbon dioxide as in full compliance with these Rules. A Certificate of Approval shall also be obtained from the Fire Chief and Commissioner for each system used to convert solid carbon dioxide to liquid carbon dioxide for filling portable cylinders or other containers as in full compliance with these Rules.

Rule 2. Certificate of Fitness.

A Certificate of Fitness shall be obtained from the Fire Chief and Commissioner for each operator of a liquefier system used to convert solid carbon dioxide to liquid carbon dioxide for filling portable cylinders or other containers.

Rule 3. Inspection Test Report.

A disinterested inspection service, approved by the Fire Chief and Commissioner, shall inspect all material and workmanship of all liquefiers at the place of manufacture and shall verify compliance with these Rules, witness all tests and shall furnish the Fire Chief and Commissioner with a test report as follows:

- A. Test reports for liquefiers, other than redesigned portable cylinders, shall show all information called for in paragraph 23, I. C. C. Specification 3A, except as follows:
1. "Marks stamped into shoulder of cylinder." This shall be as per Rule "11 Marking" hereinafter specified. Actual markings shall be shown on test report.
 2. "Record of hydrostatic tests." This shall be as per Rule "9 Testing" hereinafter specified.
 3. Statement shall be furnished that liquefier covered in said test report comply with these Rules, and Certificate of Approval Number for the type of liquefier covered in said test report.
- B. Test report for converted portable cylinders for liquefier use shall show for each converted cylinder the following:
1. Liquefier Serial Number.
 2. Original number of cylinder used for conversion.
 3. Original ownership initials of cylinders used for conversion.
 4. Original I. C. C. marking of cylinder used for conversion.
 5. Original manufacturing test date of cylinder used for conversion, and name of original manufacturer.
 6. Test pressure applied to cylinder before conversion.
 7. Total expansion obtained on cylinder before conversion.
 8. Permanent expansion obtained on cylinder before conversion.
 9. Per cent expansion obtained on cylinder before conversion.

10. Elastic expansion obtained on cylinder before conversion.
11. Outside diameter and length of cylinder before conversion.
12. A statement that the above cylinders before conversion into liquefiers were tested in a water jacket in accordance with these Rules and I. C. C. Regulations and the results appear above.
13. A statement that the top thickness, opening for cover plate and distance across the corner where the side wall meets the bottom and at 45° to the side wall, was measured and the dimensions were found to conform with Rule 6, F. G. H. and I.
14. A statement that after assembly each liquefier was given an open hydrostatic test to 3,000 lbs. and this pressure was held for at least two minutes without showing a pressure recession of more than 75 lbs.
15. The liquefier was marked as follows: (See Rule "11 Marking" for requirements.)
16. A statement that these liquefiers conform to these rules, and that the type of liquefier has been approved under New York City Fire Department Certificate of Approval Number.....

Rule 4. Construction Other Than Screw Thread Type.

New liquefiers designed for the purpose of converting solid CO² to liquid CO² shall be constructed of seamless drawn steel in accordance with Specifications of I. C. C. governing cylinders for CO². Closure devices other than screw thread type shall conform with the following:

- A. The minimum wall thickness for a test pressure of 3,000 lbs. per sq. in. shall be in accordance with the following formula:

$$t = \frac{OD \times P \times .43}{S}$$

Where OD = Outside diameter of container.

t = Wall thickness.

P = 3,000 lbs. PSI.

S = Minimum yield point of hard steel (not to be figured in excess of 50,000 lbs.).

- B. The "Top" is defined as that portion of the liquefier in which the closure device is installed and where the ice is introduced.
- C. The minimum thickness of the top before machining shall be at least 3½ times the wall thickness.
- D. The minimum thickness of the top after machining shall be at least 3 times the wall thickness.
- E. The minimum distance from edge of the hole cut or chaped for the closure device to the outside of wall shall be 4½ times the wall thickness.
- F. The maximum width of the machined seat shall not be more than 1½ times the wall thickness.
- G. The outside radius connecting the top of the liquefier to its side wall shall not be more than 1½ times the wall thickness.
- H. The inside radius connecting the side wall to the top before machining, shall not be less than 2½ times the wall thickness.
- In lieu of the requirements as set forth in C to H inclusive above:
The top portion of the liquifier including closure plate

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shall be designed with a factor of safety of not less than two at a test pressure of 3,000 lbs. per sq. inch. The design shall be proven by a test to destruction for each type of liquefier before a certificate of approval shall have been issued.

- I. A large fillet shall be provided in the corner of the machined seat where it meets the inside radius.

Rule 5. Construction Screw Thread Type.

New Liquefiers designed for the purpose of converting solid CO² to liquid CO² shall be constructed of seamless drawn steel in accordance with specifications of I. C. C. governing cylinders for CO². Closure device of the screw thread type shall conform with the following:

- A. The minimum wall thickness for a test pressure of 3,000 lbs. per sq. in. shall be in accordance with the following formula:

$$t = \frac{OD \times P \times .43}{S}$$

Where OD=Outside diameter of container.

t=Wall thickness.

P=3,000 lbs. PSI.

S=Minimum yield point of hard steel (not to be figured in excess of 50,000 lbs.).

- B. The thread of the device shall be designed with a factor of safety of not less than 4 at a test pressure of 3,000 lbs. per sq. in. and the wall thickness after cutting thread shall not be less than that specified in Rule 5-A above.

Rule 6. Conversion of Portable Cylinders for Liquefier Use.

Seamless portable cylinders made to I. C. C. Specification 3 or 3A for oxygen or carbon dioxide and originally designed and used for the transportation of compressed or liquefied gases shall be acceptable for alteration or conversion into carbon dioxide liquefiers only under the following conditions:

- A. Cylinders which have been in a fire shall not be used for conversion into liquefiers until they have been properly heat treated and retested as specified in paragraph 423, of the I. C. C. Regulations.
- B. Cylinders which show surface dents, or which fail to give a clear ring on being struck with a hammer, shall not be used for conversion into liquefiers.
- C. Before conversion into liquefiers, each cylinder shall be submitted to a hydrostatic test of 3,000 lbs. pressure in a water jacket under the conditions specified in paragraph 424 of the I. C. C. Regulations and the total and permanent expansion shall be recorded. A cylinder shall be condemned when it leaks or when the permanent expansion exceeds 10 per cent of the total expansion.
- D. If in the hydrostatic test in the water jacket the net elastic expansion (total expansion less permanent expansion) at 3,000 lbs. exceeds the allowable limit given in the following table for the type of cylinder involved, such cylinder shall not be used for conversion into a liquefier. If the cubic capacity of a cylinder to be tested varies from the standard capacity given in the table for that type, then the allowable limit of elastic expansion will be varied in the same proportion.

TABLE I.

Type	Cubic Capacity	Elastic Expansion Allowable Limit
220 ft. oxygen	2,660 cu. in.	170 c.c.
200 ft. oxygen	2,660 cu. in.	170 c.c.
50 lbs. CO ²	2,360 cu. in.	150 c.c.

- E. No cylinders designed and used for a portable container shall have the thickness of the side wall reduced by any cutting of threads in the process of conversion into a liquefier, except as specified in Rule "5-B Construction Screw Thread Type."

- F. If the closure is formed by using a portion of the former bottom as a seat, this shall only be permissible if the dimensions of the liquefier conform to those shown in the Tables II, III and IV.

TABLE II.

Type	Minimum Bottom Thickness
220 ft. oxygen.....	.66 in.
200 ft. oxygen.....	.66 in.
50 lbs. CO ²	.66 in.

TABLE III.

Type	Maximum Opening Permitted
220 ft. oxygen.....	6 1/8 in. x 7 1/8 in.
200 ft. oxygen.....	6 1/8 in. x 7 1/8 in.
50 lbs. CO ²	5 3/4 in. x 6 3/4 in.

TABLE IV.

Type	Minimum Thickness across corner at Point where the outside of the side wall meets the inside radius of bottom and at 45° to side wall.
220 ft. oxygen.....	5/8 in.
200 ft. oxygen	5/8 in.
50 lbs. CO ²	5/8 in.

- G. The maximum width of the machined seat for the gasket of liquefier shall be 5/16 in., and the inside radius connecting this seat to the side wall of the cylinder shall not be less than 1/8 in.

- H. The minimum thickness of closure plate shall be 5 times the wall thickness of the cylinder. The closure plate shall be of a good grade of billet steel. Castings not permitted.

- I. Before conversion into a liquefier, the cylinder shall meet a new hydrostatic test at the pressure at which such cylinder was originally tested, provided, however, that no cylinder shall be converted unless for its original use it was tested to 3,000 lbs. pressure. Such new test shall be in a water jacket before conversion into a liquefier.

Rule 7. Spuds.

Spuds for chain connections or for reinforcing valve or pipe connections of not over 3/4 in. pipe size shall be welded before heat treatment at place of manufacture of the liquefier.

Rule 8. Safety Devices.

Each liquefier shall be provided with two safety devices of frangible disc type attached to the liquefier at a point not lower than 6 inches from the top. The cross section area of the discharge channel, or channels (of the safety device, or devices) shall be at least .006 sq. in. for each 25 lbs. of liquefier water capacity and .00024 sq. in. additional for each additional pound of water capacity. Safety devices having two or more outlets shall be so constructed that these outlets will have a combined total area of not less than one and one-half times that prescribed for the safety discharge channel. The frangible disc of the safety devices shall be designed to release at a pressure of not more than 2,000 lbs. per sq. in.

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Rule 9. Testing.

Each liquefier after assembly shall be tested hydrostatically by an approved independent testing agency for not less than two minutes to a pressure of 3,000 lbs. per sq. in. without showing a pressure recession of more than 75 lbs. per sq. in. The inspection service shall file a satisfactory record on test report stating that the liquefier passed the above required test.

Rule 10. Quinquennial Test.

Liquefiers used for any purpose shall be retested at least every five years to a pressure of 3,000 lbs. per sq. in. in the same manner and under the same requirements as at the time and place of manufacture and the date of retest shall be stamped thereon.

Rule 11. Marking.

Each liquefier shall bear marking as follows:

- A. Name of owner.
- B. Serial number.
- C. Name or trade mark of manufacturer.
- D. Date of manufacture.
- E. Test pressure.
- F. Inspection service mark.
- G. Maximum filling charge based on filling to not more than 68 per cent of the water content by weight.

Rule 12. Filling.

Each liquefier shall be placed and used in a vertical position with filling effected while liquefier is properly secured.

Rule 13. Maximum Charge.

Liquefiers shall not be filled with solid carbon dioxide in excess of 150 lbs. not in excess of 68 per cent by weight of the water capacity of the liquefier.

Rule 14. Use of CO² Systems and Liquefiers.

- A. Carbon dioxide liquefier converting systems for filling portable cylinders shall not be used in any building occupied in whole or in part as a residence or as a multiple dwelling, or as place of public assembly, or in a building not used exclusively for manufacturing purposes.
- B. Except in buildings used exclusively for the manufacture of carbon dioxide or other compressed gases, not more than 8 liquefiers of a maximum combined capacity of 1,200 lbs. of carbon dioxide shall be headed in a battery and not more than one such battery shall be permitted in a building.
- C. Liquefiers may be manifolded only by the use of extra heavy steel or wrought iron pipe, or extra heavy seamless copper or brass tubing, of not larger than ¾ in. I. P. S. Fittings shall be high pressure forged steel or extra heavy bronze hydraulic type.
- D. Each manifold shall be protected by a frangible disc safety device of the same size and type as those prescribed for the liquefier, and designed to release at a pressure of not more than 2,000 lbs. per sq. in. In addition, the liquid manifold shall be protected by a spring safety valve so set as to relieve the pressure at not more than 1,600 lbs. per sq. in.

- E. When carbon dioxide gas is conducted through pressure reducing valve between liquefier and point of use, the use of a heater will be permitted, but said heater shall be so arranged that heat may be applied indirectly. This heater shall consist of a coil immersed in water. The source of heat shall then be applied to the water but not directly to the coil.

Rule 15. Test of Piping.

Each liquefier or battery of liquefiers to be used for the filling of portable cylinders or other containers with liquid carbon dioxide and all the piping connected thereto, shall be hydrostatically tested in the presence of the representatives of the Fire Chief and Commissioner before the solid carbon dioxide is first put into the system. A hydrostatic pressure of 2,400 lbs. per sq. in. shall be maintained for fifteen minutes, released for five minutes, and again applied for a period of fifteen minutes without any visible leak or reduction of pressure. This test shall be repeated at least every five years.

Rule 16. Approval Systems for Filling Portable Cylinders.

Each liquefier or battery of liquefiers used for filling portable cylinders or other containers, shall be permanently labeled or marked showing the Fire Department Certificate of Approval Number together with date of last test.

Rule 17. Acceleration.

Defrosting or acceleration of liquefaction, shall be by use of water only, the water shall be of a temperature not above 85° Fahrenheit.

Rule 18. CO² Portable Cylinders.

- A. Portable cylinders or other containers to be filled with liquid carbon dioxide shall be constructed and marked in accordance with the Specifications of the Interstate Commerce Commission for carbon dioxide cylinders and shall have been tested within intervals of not more than five years as evidenced by official marking. Cylinders not so constructed and marked shall not be filled with carbon dioxide.
- B. The maximum filling of liquid carbon dioxide, with one pound allowable variation in each cylinder, shall not be over 20 lbs. for standard cylinders 5½ in. in diameter by 51 in. long, nor over 50 lbs. for standard cylinder 8½ in. in diameter by 51 in. long and larger. No cylinder shall be filled with carbon dioxide to more than 68 per cent of the water capacity, by weight, of the cylinder.
- C. The amount of liquid carbon dioxide charged into portable cylinders or other containers shall be determined by weight by use of a dial scale having a movable indicator, and this weight shall also be checked after disconnecting from the charging line.

Rule 19. Existing Installations.

Liquefiers or converters to which these rules and regulations cannot be applied, may be maintained and operated, if approved by the Board of Standards and Appeals, under such conditions as are deemed necessary in the interest of public safety.

NOTICE

Rules adopted pursuant to the authorization contained in the Multiple Dwelling Law relating to fire escapes, fire retarding and sprinklers in converted dwellings are contained

in Volume IV of the Building Laws published in 1942 by the City Record. Copies of the rules are also obtainable from the office of the City Record.

RULES

Fire Drill Rules, Adopted By the Board of Standards and Appeals, October 5, 1923

(593-23-SR)

DEFINITION OF "FIRE DRILL."

The method and practice of the systematic and orderly vacating of a building by its occupants in case of emergency, panic or fire in the least possible time—by the nearest safe means of exit—and the use of fire appliances which shall be provided for the extinguishing or retarding of fire and the safeguarding of human life.

Rule 1.

In all buildings as defined in Article 1, Section 10 of the Labor Law in which fire drills are required pursuant to Section 279 thereof and in any other building in which such drills are required by the Fire Commissioner pursuant to the power conferred in section 491 of the New York City Charter, it shall be the duty of the owners, lessees or tenants to conduct fire drills monthly and at such other times as the Fire Commissioner may direct.

For the purpose of conducting such fire drills the owner or tenant shall appoint from among their employees such responsible and dependable persons, male or female, who shall efficiently perform the duties of the various positions of the fire drill organization, as specified on the accompanying chart.

It shall be the duty of the owner or tenant to enter in the blank spaces provided for that purpose in said chart the names of persons so selected and post said chart and copies of the rules in a conspicuous place.

FIRE DRILL ORGANIZATION

Premises

Name of concern

Building No.....Story.....

FOREMAN OR PERSON IN CHARGE

Regular Substitute

WATCHMAN

.....
.....

MALE SEARCHER

.....

FEMALE SEARCHER

.....

STREET ALARM BOX RUNNER

.....

FIRE BRIGADE

.....

.....

.....

EXIT GUARDS

..... Exit.....

..... "

..... "

..... "

..... "

..... "

SQUAD MONITORS

.....Squad No. 1.....

..... " " 2.....

..... " " 3.....

..... " " 4.....

..... " " 5.....

..... " " 6.....

Rule 2. Duties of Foreman.

The Foreman or Person in Charge shall direct, enforce and have full charge of the "Fire Drill" in every factory on each floor. Each day before work is begun he shall see that extinguishers, fire hose, fire buckets, etc., are in readiness for use, exit doors are unlocked, aisles are free from obstruction, that stairways, halls, etc., are properly lighted, and shall remedy any dangerous condition found to exit. Immediately after work is commenced he shall check up the Fire Drill Organization list and note if the regularly assigned persons are present; if any are found to be absent, he shall assign other employees (if practicable) to perform their duties.

He shall immediately notify new employees of the existence of the Fire Drill Organization and give them the necessary instructions as to the duties they are to perform, etc.

He shall be familiar with the operation and location of the interior alarm signal box on his floor.

He shall listen for the test signal each morning at the appointed hour and in the event of the test signal not being heard he shall communicate with the superintendent or other person in charge of the building and advise him of the fact. The (Floor Captains) Foreman's orders are final as to the carrying out of the fire drill on his particular floor.

Rule 3. Duties of Watchmen.

The WATCHMEN shall see that all doors and windows are closed so as to prevent the spread of fire. The WATCHMEN shall be the only persons permitted to remain on the floor during the progress of a fire drill and do so at their own risk. For ordinary purposes only one watchman and a substitute shall be designated. In special cases, however, extra watchmen may be assigned by consent in writing from Fire Commissioner.

Rule 4. Duties of Searchers.

The MALE AND FEMALE SEARCHERS shall search all toilets, dressing rooms and emergency rooms used and frequented by their sex and all other portions of the floor and order all persons, except those authorized to remain, to leave the premises. They are to take care of and assist all persons who may faint or be disabled.

SEARCHERS shall leave the floor immediately after the last squad leaves.

Rule 5. Duties of Street Alarm Box Runner.

The STREET-ALARM-BOX-RUNNER shall be familiar with the location of the nearest city fire alarm box and know how it is operated.

In ordinary practice fire drills the STREET-ALARM-BOX-RUNNER shall report to the Foreman for orders, and if his services are not required he shall promptly file out of the premises with the other occupants.

Only when a fire actually occurs on his floor, or when ordered to do so by the Foreman, shall the STREET-ALARM-BOX-RUNNER proceed to the street alarm box and send in the fire alarm.

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Rule 6. Duties of Fire Brigade.

The fire brigade shall have full charge of the operation of all auxiliary fire fighting apparatus and shall endeavor to extinguish, or at least hold in check until the arrival of the fire department, any fire that may occur. When it is necessary for the fire brigade to respond to different floors in the building they shall not use the stairways or fire escapes while the occupants are escaping from the premises.

Rule 7. Duties of Exit Guards.

The EXIT GUARDS shall station themselves at all exit doors leading to fire escapes, stairways and other means of escape immediately upon the sounding of the alarm. There shall be two guards for each exit, if practicable; one to stand in the hallway holding back the door and the other directly inside on the floor. They are to keep the exit doors open and direct the movements of the persons using these exits and prevent congestion.

EXIT GUARDS shall remain at their stations until all of the occupants of the building have passed their station. Then close their doors and pass out of the building. Upon signal for the occupants to return, EXIT GUARDS shall take their designated stations and remain there until all persons have returned to their respective floors.

Rule 8. Duties of Squad Monitors.

The SQUAD MONITORS, as soon as the alarm is sounded, shall see that the employees under their charge quickly form into line, two abreast, and numbering not more than thirty to each squad. They shall see that all aisles and passageways are cleared of obstructions.

Note: Chairs, stools, baskets, etc., should be pushed under or placed on top of work benches.

MONITORS shall proceed at the head of their respective squads to the exit assigned, and then march up or down the stairs or to other exits as directed by the EXIT GUARDS.

On reaching the sidewalk MONITORS shall keep their squads in order and lead them a reasonable distance from the building, so as not to cause congestion and interference with fire apparatus. When the proper signal is given they shall return to their respective floors at head of their squads.

MONITORS will at all times see that those under their charge conduct themselves in a respectable and orderly manner.

Rule 9. Holding of Drills.

FIRE DRILLS shall be held at least once each month at varied hours of the day, and all of the occupants shall participate therein simultaneously. Such drills shall conduct all occupants to a place of safety.

Where dual operation interior fire alarm systems are installed as permitted under Rule 11 of the interior fire alarm rules of the Board of Standards and Appeals, the fire drill conducted each month shall include all of the persons on the premises engaged at work for a factory,

and drills shall be conducted at least twice each year in which all of the persons on the premises shall participate simultaneously.

Rule 10. Duties of Owner.

It shall be the duty of the OWNER, LESSEE OR TENANT OF THE BUILDING or his authorized agent or their representatives to personally observe that the "Fire Drill" is held simultaneously on every floor of the building and the participation therein of every occupant of such building. Any FIRE DRILL in which all of the occupants do not participate shall not be considered as complying with the LAW, except as otherwise provided in these rules.

The person or persons representing the OWNER, LESSEE OR TENANT, who supervises the FIRE DRILL at the building shall submit to an examination by the Division of Fire Prevention as to their experience and general fitness for such duties, and shall be so certified in writing by the FIRE COMMISSIONER.

Rule 11. Duties of Engineer.

It shall be the duty of the ENGINEER, SUPERINTENDENT or other PERSON IN CHARGE of a building having an interior fire alarm system to test such system daily immediately after the beginning of business, and to see that all apparatus operated by springs requiring winding are rewound after each alarm and kept in normal condition for operation.

Whenever it is necessary to test the fire alarm system at any other time of the day, owing to repairs, etc., being made, the PERSON IN CHARGE OF BUILDING will first notify all Foremen of the several floors of the intended test and likewise notify them when the repairs, etc., are completed. This precaution is taken to prevent confusion and excitement, also misunderstanding of the alarm signals.

It shall also be the duty of the PERSON IN CHARGE OF BUILDING to sound the interior alarm system at irregular intervals, but not less than once each calendar month, for the purpose of holding practice fire drills. He shall keep on the premises a record of such drills showing the date when held and the required time for all occupants to reach the street or a point of safety outside the building.

The PERSON IN CHARGE OF BUILDING must immediately acquaint new tenants of the existence of the "Fire Drill" Organization and its purport.

Rule 12. Registration.

The name and address of every person, corporation or co-partnership, that will, under professional service, carry on the trade, business or calling of establishing, maintaining or supervising the "Fire Drill" shall be registered in the Fire Department, which Department shall, upon evidence of fitness, grant a certificate to that effect.

NOTICE

Approved materials, appliances and methods of construction approved by the Board through May 25, 1943 under authority of the New York Charter, Section 666, Paragraph 1 and Administrative Code C26-191.0 (adopted by the Board

of Aldermen December 21 1937. Approved by the Mayor December 28, 1937), are published in Supplement to Bulletin 23A June 8, 1943.

RULES

RULES GOVERNING THE USE OF EQUIPMENT FOR SPRAYING OF PAINTS, VARNISHES, LACQUERS AND OTHER FLAMMABLE SURFACE COATINGS

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS JUNE 10, 1932
AND REVISED, JULY 16, 1937, EFFECTIVE AUGUST 16, 1937.

[353-30-SR]

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, subdivisions 2 and 3 of the Charter of the City of New York, to effectuate the provisions of C19-84.0, C19-85.0 and C19-86.0 of the Administrative Code.

Rule 1. Application.

- 1.1 No person, firm or corporation shall SPRAY, DIP or IMMERSE any article or thing within the City of New York with any flammable paints, varnishes, lacquers or any other inflammable or combustible substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes except in conformance with these rules, and under a permit issued by the Fire Commissioner. Where the quantity of spraying material used in a day does not exceed two (2) quarts, the Fire Commissioner may modify or waive these rules.
- 1.2 APPLICATIONS. Application for the required permit to store and use the above-mentioned articles shall be made to the Fire Commissioner on forms prescribed by him and shall contain such information as he may require. When a spray, dipping, immersing, storage or mixing room is to be installed, plans shall be filed with the Borough Superintendent of Buildings before a permit is issued.
- 1.3 RESTRICTIONS. No spraying, dipping or immersing of any article or thing within the City of New York with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes shall be permitted in any premises or portion thereof as follows:
 - 1.3.1 Which is occupied as a Class A or B Multiple Dwelling or a dwelling for one or two families.
 - 1.3.2 Which is artificially lighted by any means other than electricity.
 - 1.3.3 Which is heated by other than the use of steam or hot water circulating systems.

Rule 2. Definitions.

- 2.1 The term "SPRAY or SPRAYING SPACE," "DIPPING SPACE or IMMERSING SPACE" when used in these rules shall mean that portion of the premises used for the actual work of spraying, dipping or immersing any article or thing with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds, commonly used for painting, varnishing, staining or similar purposes in any booth or room approved.
- 2.2 The term "CABINET BOOTH" when used in these rules shall mean a compartment with a back, top and two sides equipped with air exhaust facilities, located within a room or any portion of any premises where spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

- 2.3 The term "CANOPY BOOTH or HOOD" when used in these rules shall mean an installation consisting of a metal canopy or hood, without any side or end panels enclosing the object sprayed and an air exhaust system under which spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.
- 2.4 The term "TUNNEL BOOTH" when used in these rules shall mean a compartment consisting of two sides and top, equipped with an air exhaust system in which spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.
- 2.5 The term "SPRAY ROOM" when used in these rules shall mean a fully enclosed room approved for such use in which any article or thing is sprayed by any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.
- 2.6 The term "DIPPING ROOM" when used in these rules shall mean a fully-enclosed room approved for such use in which any article or thing is dipped, spread or immersed in any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.
- 2.7 The term "FIREPROOF or FIRE-RESISTING PARTITIONS" used in these rules shall mean the standards set in the Labor Law and the Rules of the Board of Standards and Appeals for factory buildings. All openings in this type of partition shall only be equipped with self-closing fireproof doors.
- 2.8 The term "STORAGE ROOM" when used in these rules shall mean a fully-enclosed room used for the storage and mixing of any inflammable paints, varnishes, lacquers or any flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes.
- 2.9 The term "CERTIFICATE OF FITNESS" when used in these rules shall mean the written permission granted by the Fire Commissioner to an individual to supervise and handle spraying, dipping and immersing materials and equipment, in accordance with the provisions of Section C19-14.0 of the Administrative Code and these Rules.
- 2.10 The term "PERMIT" when used in these rules shall mean the written permission issued to a person, firm or corporation by the Fire Commissioner, to store and use materials covered by Sections C19-12.0 and C19-84.0 of the Administrative Code and these Rules.

Rule 3. Ventilation.

- 3.1 Spraying or dipping spaces shall be ventilated when in operation so that the movement of air shall be at least one hundred (100') linear feet per minute in the breathing zone of the operator and be of sufficient capacity to prevent the accumulation of mist or vapors.

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- 3.2 Air shall be admitted to the spraying, dipping or immersing spaces in an amount equal to the capacity of the fan or fans and in such a manner as to avoid short-circuiting the path of air in the working zone of such spaces. Exhaust fans shall be kept running constantly while spraying or mixing and for a sufficient length of time thereafter to exhaust all vapors, fumes or residues of spraying materials from the spray booth or spray room.
- 3.3 EQUIPMENT. Motors shall be located outside of spraying, dipping or immersing spaces except as provided in Rule 4.

Rule 4. Specifications for Spray Booths, Spray Rooms and Dip Rooms.

- 4.1 Spray booths shall be constructed of metal or incombustible materials satisfactory to the administrative official having jurisdiction, be adequately ventilated with mechanical ventilation; if lighted to be in conformity with these rules. The necessary fire protection shall be maintained at all times.
- 4.1.1 Spray, dip and immersing rooms shall be constructed of fireproof or fire-resisting partitions with waterproof floors, adequately ventilated by mechanical means, equipped with the necessary fire protection; if lighted and heated to be in conformity with these rules. Floor drains leading to the house drainage system or the public sewer, shall not be permitted. Where more than sixty (60) gallons of material in open tanks are used, a drain to an approved tank located outside the building shall be provided.
- 4.1.2 Panels of polished wired glass or plate-glass at least one-quarter ($\frac{1}{4}$) of an inch thick, not exceeding seven hundred and twenty (720) square inches in area and not more than forty-eight (48") inches in any linear dimension may be used in the sides of a spray booth or room.
- 4.1.3 The inner sides of walls, ceilings and the floors of all spraying or dipping spaces shall have a smooth surface.
- 4.1.4 All openings in spray, dip or immersing rooms shall be protected by fireproof doors. Only windows opening to a street may be permitted or a window not on a lot line more than 20 ft. distant from windows of adjacent buildings not in same plane may be used for ventilation.
- 4.1.5 Ferrous metals used in the construction of spraying, dipping or immersing spaces shall be thoroughly painted on the inside or be galvanized.
- 4.1.6 All spraying, dipping or immersing spaces shall be so constructed that a reasonable length longer is maintained than required for the article or thing to be sprayed, dipped or immersed. Ferrous metals shall not be used for such floor surface.
- 4.1.7 At least three (3) feet of clear working space shall always be maintained for each operator spraying, dipping or immersing any article or thing.

4.2 SPECIFICATIONS FOR DUCTS, PIPES AND FANS.

- 4.2.1 All ducts used for ventilating spray, dip or immersing spaces shall be constructed of metal of not less than the following gauges of metal.
- Ducts twenty-four (24") inches or less in diameter No. 22 gauge.

Ducts over twenty-four (24") inches and not over thirty-six (36") inches in diameter No. 20 gauge.

Ducts exceeding thirty-six (36") inches in diameter No. 18 gauge.

- 4.2.2 Ducts shall be strongly constructed and be installed in a workmanlike manner. They shall be rigidly supported.
- 4.2.3 Ventilating ducts shall run as directly as practicable to the outer air and be protected with a hood against the weather. The exhaust terminal or hood shall also be protected with a screen of copper or bronze with a mesh not larger than one-quarter ($\frac{1}{4}$ ") inch.
- 4.2.4 Where a duct passes through a non-fireproof roof, the duct shall be protected at such point by an outer pipe or sleeve with an air space of at least one (1") inch between the sleeve and duct. The outer pipe shall be not less than two (2") inches from any woodwork and such woodwork shall be covered with metal.
- 4.2.5 Ventilating ducts shall not terminate within ten (10) feet measured horizontally of any chimney outlet, unprotected air intakes or of any door or window in an adjoining building.
- 4.2.6 If induced draft is used to create an air movement, the air shall be supplied from a point outside the spray or dip or immersing space. Fans and motor must be located outside the spray or dip space, except approved explosion-proof motor and non-ferrous blade fans.
- 4.2.7 The exhaust system from any spray, dip or immersing space shall not be connected to any other ventilating system or be discharged into a chimney or flue used for the purpose of conveying gases of combustion.
- 4.2.8 Exhaust fan blades shall be constructed of non-ferrous metal. All exhaust and ventilating fans to be permanently connected to their source of power, using metallic conduit. Rheostats in fan bases not permitted. Fan blades not coming in direct contact with spraying fumes, need not comply with this requirement.
- 4.3 Storage rooms shall be constructed of fireproof or fire-resisting partitions with waterproof floors and be adequately ventilated by either natural or mechanical means.
- 4.4 No motors, switches, rheostats, lamps or other electrical equipment shall be located in spray, dipping or immersing rooms or within ten (10') feet of any spray compartment, spray booth, immersing or dipping space unless such electrical equipment be of a type approved for use in explosive atmospheres and where a conduit leads from a hazardous location to a non-hazardous location, the conduit shall be sealed off by an approved sealing compound. Except that alternating current induction motors of the totally enclosed type, having no brushes, make and break contacts, collectors or other arcing or sparking parts may be located within ten (10') feet of a spray booth, spray compartment or dipping space when approved by the administrative official having jurisdiction.
- 4.4.1 Artificial lighting shall be only by means of electricity.
- 4.5 LIGHTING FIXTURES.
- 4.5.1 When lighting fixtures are located within 10 feet of a spray booth, spraying compartment or dipping space, they shall be of the rigid

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stem type, enclosing all wiring and be equipped with keyless sockets having vaporproof globes, protected by wire guards.

- 4.5.2 All electrical equipment shall be installed and grounded as provided by the Administrative Code covering electrical equipment and permanently connected to their source of current supply, using metallic conduit.
- 4.5.3 No pin plug receptacles shall be used.
- 4.5.4 All electric light wiring shall be enclosed in metal conduits and shall conform to Rule 4.4.
- 4.5.5 The use of portable cords or trailer lights are prohibited.

Rule 5. Maintenance and Operation.

- 5.1 Every premises wherein a spraying, dipping, or immersing space is maintained and operated shall be continuously under the charge and supervision of one or more persons holding a certificate of fitness, whose duty shall be to see that the spray, dipping and immersing space rules and the terms of the permit are not violated. No other duties shall interfere with the enforcement of these rules.
- 5.2 Smoking or the carrying of lighted cigars, cigarettes or pipes in spray, dipping or immersing space is prohibited.
- 5.3 No person shall be permitted within a spray space between the spray gun and the exhaust outlet while the spray gun is in use.
- 5.4 Spraying, dipping or immersing spaces and its surroundings shall be kept clean at all times and shall be kept clear of all materials, equipment and utensils not required in the operation of the spray. Side walls, ceilings, baffle plates, etc., shall be sprayed with soap and water solution, before cleaning, or cardboard or masking paper can be fastened before any operation and after said operation be removed from the premises in approved waste cans.
- 5.5 Floors within and surrounding spray, dip or immersing spaces shall be kept clean and free from waste material at all times.
- 5.6 Spray rooms, booths, fans, ducts, and other equipment shall be cleaned frequently and maintained in clean and efficient working condition; lacquer spraying booths shall be wet down before cleaning.
- 5.7 Implements used for cleaning shall be made of non-ferrous material to avoid sparks.
- 5.8 Metal waste cans with self-closing covers shall be provided for all spraying, dipping or immersing spaces and storage rooms. The number to be installed shall be determined by the administrative official having jurisdiction.
- 5.9 Approved fire appliances shall be installed in all spraying, dipping or immersing spaces and in storage rooms as may be determined by the administrative official having jurisdiction.
- 5.10 Accumulation of flammable waste, sweepings or deposits from spray, dip or immersing space is prohibited. All such waste shall be placed in approved waste cans and be removed from the premises at the close of work each day.
- 5.11 All sand papering of lead painted surfaces shall be done with wet sand paper.
- 5.12 No motor vehicle shall be taken into or out of a spray space under its own power. Batteries shall be removed before the process of spraying is begun.

Rule 6. Storage and Mixing.

- 6.1 Main supplies of spray coating materials and thinners shall be kept in an outside storage building, storage rooms or in vented metal cabinets in accordance with the following amounts:

- 6.1.1 Spraying materials not in excess of 20 gallons may be stored in metal cabinets or wood cabinets, metal covered on both sides including the door. All cabinets to be ventilated at top and bottom.
- 6.1.2 Spraying materials in excess of 20 gallons and not exceeding 100 gallons may be stored in double-walled metal cabinets vented directly to the outer air.
- 6.1.3 Spraying materials in excess of 100 gallons shall be stored in a separate exterior storage building of fireproof or fire-resisting material with ventilated plain glass skylight or in a storage room constructed fireproof in a fireproof building or fire-resisting in a non-fireproof building. The maximum amount of spraying materials to be stored in a storage room of a non-fireproof building shall be determined by the administrative official having jurisdiction. Storage rooms shall have a window opening to the outer air but such window shall not be on a lot line, enclosed court, nor opposite within twenty feet of windows of adjacent buildings nor part of the same premises, such window openings to be fireproofed and lower half provided with open louvers or ventilated by metal duct or fan at least 8 inches in diameter. The floors of all storage rooms shall be waterproofed up to a height of at least 6 inches from the floor and be properly pitched for drainage purposes to a low point within the enclosure. Any drain in such storage room shall not be connected to the house drainage system or street sewer. The sill of the door shall be at least 6 inches above the finished floor. All doors to be tin-clad, approved, fireproof and self-closing.
- 6.1.4 Mixing or thinning of coating materials shall be conducted in a storage building or storage room, except that containers of total capacity not exceeding ten gallons may be opened and their contents mixed in the spray room or room in which booths are located while the air exhaust system is operating.
- 6.1.5 Working supplies sufficient for not more than one day's use but not exceeding twenty gallons to each booth, nor a total of one hundred gallons, may be kept in the spray room or room in which spray booths are located; covers of containers must be kept thereon when such containers are not actually in use. This amount is in addition to the amount allowed in 6.1.7.
- 6.1.6 Gravity feed material containers for supplying spray guns shall not exceed ten gallons in capacity and shall be supported by wire cables or metal brackets having a factor of safety of two when filled with the heaviest spraying materials used.
- 6.1.7 Pressure feed tanks and other equipment for use in connection with direct spraying under air pressure shall be restricted to tanks of not more than sixty gallons, individual capacity, designed, constructed and approved for this specific purpose by the Board of Standards and Appeals. Each tank shall be provided with a safety valve set at a pressure not exceeding eighty pounds. All gravity feed containers and other spraying equipment shall be approved as above.
- 6.1.8 The installation of all electrical wiring, switches, lighting and all other electrical equipment, and the provisions of these rules against carrying matches or smoking and prohibiting flame or spark-producing devices, shall also apply to storage or mixing rooms.

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- 6.2 STORAGE of spraying, dipping and immersing materials shall not be in excess of two hundred (200) gallons in a storage room, but in a building in which nitro cellulose products are manufactured, stored or kept the amount shall be not over twenty-five (25) gallons as per Section C19-113.0, subdivision h of the Administrative Code.
- 6.3 Sprinkler heads shall be provided in all spray, dip or immersing spaces and storage rooms and shall be installed in accordance with the Sprinkler Rules of the Board of Standards and Appeals, except in non-sprinklered buildings where sprinkler connection may be made to the house water supply.
- 6.4 Sprinkler heads in spray, dip and immersing spaces shall be cleaned at least once a week under the supervision of the person holding the certificate of fitness and a coating of light grease or vaseline shall be applied after each cleaning to prevent the formation of a hard deposit and render the sprinkler useless in case of fire. The use of paper bags or other materials about sprinkler heads is prohibited.

Rule 7. General Requirements.

Notice—Attention is called to the provisions of the Administrative Code as to violations reading as follows:

Section C19-152.0 of the Administrative Code, "Any person who shall willfully violate or neglect or refuse to comply with any of the provisions of this chapter in addition to any other penalties prescribed by law or ordinance shall, upon conviction, be punished by a fine of not more than \$500 or by imprisonment not exceeding 6 months, or by both such fine and imprisonment."

NOTE:—The principal cause of fires in spray-booth installations are: broken electric lamps and other electrical defects; cleaning the interior of booths, fans and motors with highly flammable solvents; accumulation of deposits in the tubes and vent pipes from neglect in cleaning them frequently; unnecessary accumulation of waste and refuse, smoking and a general lack of cleanliness.

- (a) "No Smoking" signs, with letters at least 2 inches in height, shall be posted in all spray rooms and paint storage rooms or building.
- (b) No combustible materials shall be stored or maintained within 15 feet of any spray booth.
- (c) All stocks shall be arranged so as not to interfere with the operation of automatic sprinkler heads.

Rule 8. Existing Spray Booths and Installations.

These rules shall be retroactive in the following respects:

- Rule 1.3 Heating of Rooms.
Rule 3.1 Air Exhaust System.
3.2 Air Supply and Mixing.
Rule 4.1 Construction of Spray Booths.
4.1.3 Surfacing of Booths.
4.1.5 Surfacing of Booths.
4.2.2 Maintenance of Ducts.
4.2.5 Electric Lighting.
4.2.6 Method of Induced Draft.
4.4 Separation of Booth from Flame.
4.4 Location of Motors.
Rule 5.1 Certificate of Fitness.
5.2 Smoking, Matches, etc.
5.6 Maintenance of Equipment.
5.7 Cleaning Implements.
5.9 Fire Appliances.
5.10 Accumulation and disposal of waste materials.
5.12 Motor Vehicles in booths or rooms.
Rule 6. Storage and Mixing.
Rule 7. General Requirements.

NOTE:—Rules 6.1, 6.2, 6.3 and 6.4 may not be applied in fireproof buildings equipped with an approved existing automatic sprinkler system where the general conditions of cleanliness are properly maintained at all times.

Rule 9. Approval Forms and Plans.

There shall be filed before installation with the administrative official by the purchaser (or by the seller thereof) an application form on sheet 8 inches by 10 inches, which form shall give the proper name and address of booth user and also the floor on which the booth or booths are to be installed. An ink drawing of the floor upon which the booth will be located shall be submitted on the form sheet; such drawing shall show by feet and inches the location of exits, chimneys and booths.

When a storage and mixing room is to be installed, plans drawn to a scale of at least 1/16 of an inch to a foot shall be filed with the administrative official for examination and approval. Such plan shall show on the floor plan the location of all booths, storage and mixing rooms exits, and all chimneys and exterior openings within 15 feet of the storage rooms and vent ducts.

FACTORY EXIT RULES ADOPTED BY THE BOARD OF STANDARDS AND APPEALS FEBRUARY 23, 1927 (CODIFYING AND SUPERSEDING GENERAL RESOLUTION AND RULES ADOPTED UNDER CAL. NOS. 381-17-S 'STAIRS TO ROOF', 1218-18-S 'FIRE ESCAPES', 1708-18-S 'PARTY WALL FIRE ESCAPES' AND 410-24-SR 'ENCLOSURE OF STAIR WAYS') AMENDED JANUARY 15, 1932.

(64-27-SR)

STANDARD FACTORY EXITS

Section 1—Fire Escapes.

Rule 1. In any building erected prior to October 1, 1913, now occupied or to be occupied as a factory, more than five stories in height and not exceeding nine stories in height, nor in any case more than 90 ft. from curb level to top floor level, one of the required means of exit or escape under Section 271-1 of the Labor Law may consist of an outside fire escape, provided that:

(a) Any such fire escape hereafter erected shall comply with all the provisions of Section 273, labor law, and in addition thereto:

(1) The balconies and stairs shall be protected on the outside by substantial railings to a height of at least 4 ft. 6 in., measured from floor of balcony or center of stair treads constructed of bars at least one-half (1/2) inch in diameter, spaced not more than six (6) inches on centers, or of substantial grille work, or of screening not less than No. 10 U. S. gauge wire with not more than one and one-half (1 1/2) inch mesh, all rigidly braced;

(2) When there is safe egress from the roof of the building to any adjoining structure, the fire escape stairway shall continue to the roof, and if there be no safe means of egress, a gooseneck ladder shall be provided from the top story balcony to the roof.

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(b) Any such fire escape erected prior to October 1, 1913, shall conform in every respect with the requirements of paragraph (a) of this rule, except that balconies may be not less than 3 feet in width; the connecting stairs not less than 20 inches in width, and placed at an angle not exceeding 60 degrees if the building is not over six stories in height, otherwise at an angle of 45 degrees.

Rule 2. In any building erected prior to October 1, 1913, now occupied or to be occupied as a factory, five stories or less in height, one of the required means of exit under section 271 of the Labor Law may consist of an outside iron fire escape, provided that:

(a) Any such fire escape hereafter erected shall comply with all the provisions of Section 273, Labor Law.

(b) Existing fire escapes shall comply with all the provisions of Section 274, Labor Law and in addition thereto

(1) The balconies shall be not less than 3 feet in width.

(2) The rails around balconies and well holes and on stairways shall be not less than 3 feet in height.

(3) Passageways on the balconies shall be not less than 14 inches in the clear.

(4) At least one opening to each balcony shall be a single fireproof casement door at least 2 feet wide and at least 6 feet in height, except that where the distance between the sill and lintel will not permit of an opening 6 feet in height, a casement door not less than 4 ft. 6 in. in height will be permitted.

Rule 3. The single fireproof casement doors leading to all fire escape balconies shall open out and shall be self-closing. An easily operated door lock with knobs on both sides of the door shall be provided.

Such fire doors may be at window sill level if fixed iron step at least two feet wide, with risers not exceeding eight (8) inches, and treads not less than eight (8) inches are provided on the inside from floor level to sills properly secured.

Rule 4 (a). Any such fire escape erected subsequent to October 1, 1913, and prior to these rules taking effect, unless previously accepted as one of the required means of exit or escape by the administrative official having jurisdiction, shall conform in every respect to the provisions of these rules.

(b) A fire escape shall not hereafter be accepted as constituting one of the required means of exit or escape under Section 271-1 of the Labor Law, in any building erected prior to October 1, 1913, now occupied or to be occupied as a factory, exceeding nine stories in height, or more than 90 feet from curb level to top floor level.

Rule 5. All fire escapes shall be maintained structurally safe, properly painted, and kept clear of all obstructions.

Section 2—Enclosure of Factory Stairways.

Rule 6. Except as herein provided, in all factory buildings five stories or less in height, erected prior to October 1, 1913, in which there are more than twenty-five persons employed above the second story, all interior stairways serving as required means of exit, and the landings, platforms and passageways connected therewith, shall be enclosed on all sides by partitions of fire-resisting material extending continuously from the lowest point of the stairway in accordance with the following schedule:

Number of stories	Contents combustible, no sprinkler	Contents non-combustible, no sprinkler	Contents combustible, and sprinkler	Contents non-combustible and sprinkler
Three	Stairways Enclosed			
Four	Stairways Enclosed	Stairways Enclosed		
Five	Stairways Enclosed	Stairways Enclosed	Stairways Enclosed	

The term "contents" as used above means articles, goods, wares and merchandise, packed, stored, manufactured or in the process of manufacture.

The term "combustible" as used above means articles, goods, wares or merchandise which will burn or support combustion.

The term "sprinkler" as used above means an adequate automatic sprinkler equipment installed and maintained in good working order on each floor.

The term "story" as used above means that part of a building between any floor and the floor or roof next above;—the first story is that part of a building which is more than 50 per cent above the floor level and the floor next above the curb or average grade level.

Where the stairway extends to the top floor of the building, such partitions shall extend to the under side of the roof boarding. That portion of the under side of the roof beams within the stair enclosure shall be covered with fire-resisting material, except in buildings with roofs of non-combustible material, in which case the partitions may stop at the under side of the roof.

Where the stairway is required to extend to the roof, the enclosure shall be so built as to form a bulkhead. The enclosure shall be ventilated by a skylight in the roof with louvers or ventilators, or exterior windows with ventilating sections at the top floor.

All openings in such partitions shall be provided with approved self-closing fire doors, except where such openings are in the exterior wall of the building.

The bottom of the enclosure shall be of fireproof material at least four inches thick unless the partition extends to the cellar bottom.

A horizontal exit, as defined in section 267 of the Labor Law, will be accepted as a compliance with this rule when both sides of the fire wall or walls are occupied on any factory floor by the same occupant.

Rule 7. Where there are occupancies on any story or part of a story involving the storage or use below the top story of the following materials and exceeding the amount specified, and there are more than 5 persons employed at manufacturing above such occupancy, the interior stairway serving as required means of egress shall be enclosed on that story with fire-resisting material from floor to under side of floor above, including any exposed stair soffits, landings and passageways; openings shall be provided with approved self-closing fire doors.

Nitrocellulose in any shape or form, 10 pounds.

Volatile inflammable oils, 1 gallon.

Volatile inflammable mixtures, 5 gallons.

Combustible mixtures, 10 gallons.

Paints, varnishes and lacquers, 10 gallons.

Upholstering or mattresses, manufacturing or repairing.

Cotton, rag and paper sorting, 1 ton.

Paper box manufacturing.

Restaurants and lunch rooms with cooking (not including tea, coffee or similar beverages).

The Board shall rule upon new occupants as they arise and pass upon points under dispute.

When more than two stories are to be segregated, as above, the entire stairway shall be enclosed in fire-resisting material where there are more than 5 persons employed at manufacturing above the first story.

Rule 8. Required Exits and Enclosures of Stairways in Two-Story Factory Buildings.

1. Required Exits.—In every two-story factory building erected prior to October 1, 1913, in which more than five persons are employed at manufacturing, there shall be provided from each story at least two means of exit or escape from fire remote from each other, one of which from every floor above or below grade shall lead to or

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open on an interior stairway which shall be enclosed, as hereinafter provided, or on an exterior enclosed stairway. The other may lead to such a stairway, or to a horizontal or grade exit, or to an exterior screened stairway, or to a fire escape conforming to section 273, Labor Law, or rule 2 of these rules. Except that exit door shall be a fire door, with substantial steps to the sills properly secured when sill is more than 8 inches above the floor level; and where there is no safe egress from the roof, a gooseneck ladder shall be provided from top balcony to the roof, except on the front of buildings.

Unobstructed egress from the foot of the fire escape or exterior screened stairway shall be as required by section 273, Labor Law, or to open adjoining yard with egress to the street. No point on any floor of such building shall be more than one hundred and fifty (150) feet distant from such an exit.

Rule 9. Enclosure of Stairways.—In two-story buildings where there are occupancies on any story or part of a story involving the storage or use below the top story of any of the materials exceeding the amounts specified in Rule 7 and there are more than 5 persons employed at manufacturing above such occupancy, all interior stairways serving as required means of exit shall be enclosed from the lowest point of such stairway to the ceiling of the first floor by partitions of fire-resisting material, unless the building is provided with a wet sprinkler system, in which case such enclosure of stairways shall not be required. Such enclosures shall lead directly to a door opening outwardly to a street or road, or an open area affording unobstructed passage to a street or road. All openings in such enclosure shall be provided with fire doors equipped with self-closing devices.

All reference herein to "Enclosure of Stairways" shall be considered as applying only to required stairways.

Rule 10. Storage of Combustible Material Within Factory Stairway Enclosures.

In all factory buildings no articles or wares of any nature shall be kept or stored inside the limits of any stairway enclosure or unenclosed stairway, or on the landings, platforms or passageways connected therewith.

But this shall not prohibit the erection and maintenance of a stand to be built of incombustible material and wire glass or ¼-inch-thick plate glass for the retail sale of cigars, cigarettes and tobacco and candies in original packages or daily newspapers in the public hall or corridor on the first story of any building provided there is no open flame. All portions of the stand and any portion of any permitted accessory use to same shall be set back at least 18 inches from the outside line of travel of the required legal width of exit. Each such stand shall be provided with at least one approved 2½-gallon chemical fire extinguisher.

Section 3—Safe Egress from Roofs of Factory Buildings.

Rule 11. Interior stairways serving as required means of exit in factory buildings erected after October 1, 1913, and not exceeding five stories in height, and in buildings erected before October 1, 1913, now occupied or to be occupied as a factory, shall not be required to extend to the roof where there is no safe egress from the roof, under Sections 270, 271 and 272, Labor Law.

(a) When the roofs, or the top of the parapet wall of an adjoining building are more than eight feet below or more than five feet above the top of the parapet wall of the building in question, and there is no outside party wall fire escape, party wall exterior screened stairway, party wall balconies or bridges, or where any outside exits do not connect to adjoining buildings at roof level, or where there are no unbarred window openings five feet above the roof or parapet wall of the building in question.

(b) When the roof of the building in question has a pitch exceeding one foot in six feet of horizontal run.

Rule 12 (a). When there is no safe egress from the roof, as above described, there shall be in all cases at least a double-rung ladder at the top of the interior stairway, and within the interior stairway enclosure when stairway is enclosed. Such ladder shall be at least 18 inches in width and shall be properly secured at top and bottom. The ladder shall lead to a scuttle opening not less than 2 feet by 3 feet or be of such additional area as may be required to provide ample head room. The scuttle cover shall be hinged and of light weight construction, or be counter-balanced. An easily operated hook may be provided on scuttle cover.

(b) Where the stair bulkhead door opens within 10 feet from the open edge of the roof, an iron railing properly braced at least 3 feet high and at least 10 feet long shall be provided at the edge of roof.

SUBSTANDARD FACTORY EXITS

Section 4—Fire Escapes.

Rule 13. When in addition to the required exits from any factory or factory building, there exist other means of egress which are not entirely in accordance with the requirements of the Labor Law and the Rules of the Board of Standards and Appeals, such means of egress may be retained under the following conditions:

(a) Fire Escapes.—All substandard fire escapes on factory buildings shall be maintained, structurally safe, properly painted, and with the openings leading thereto, kept in good repair.

In lieu of a counter-balanced stairway, a drop ladder in guides with a back-drop gravity hook may be provided.

The drop ladder shall be of sufficient length to reach from the lowest balcony to the ground or safe landing place with a passageway opening cut in the balcony rail, which rail shall be properly braced.

When such substandard fire escapes are located in a court, side or rear of a building, proper egress to a point of safety shall be provided, either to open adjoining yards, or the lowest balcony may be connected to an adjoining fire escape, exterior stairway, to the roof of adjoining extensions, or other means of egress satisfactory to the authorities having jurisdiction.

Substandard fire escapes shall be kept clear of all obstructions, shall not be used for fire drills, and shall not be considered as a basis for increase in occupancy.

Section 5—Stairways and Bridges.

Rule 14. Interior Stairways.—All interior stairways not conforming to the requirements of the Labor Law or rules of the Board of Standards and Appeals may be retained, provided that egress to same is maintained unobstructed, halls are properly lighted, and all landings, passageways, etc., are maintained free and unobstructed. An easily operated panic bolt or other similar device may be installed at street exit door.

Rule 15. Exterior Screened Stairways.—Exterior screened stairways not serving as a required means of egress shall be maintained structurally safe and properly painted, exits thereto and all platforms and passageways thereof shall be maintained unobstructed and egress from termination shall be provided as required for substandard fire escapes in subdivision a.

Rule 16. Horizontal Bridges.—Horizontal bridges and party wall balconies between buildings shall be maintained structurally safe and properly painted, and access thereto and all passageways thereof shall be maintained unobstructed.

Rule 17. No sign of any character shall be placed at openings leading to these substandard exits.

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RULES FOR INSPECTION OF APPROVED OPENING PROTECTIVE ASSEMBLIES

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS OCTOBER 20, 1939. EFFECTIVE, IN ACCORDANCE WITH SECTION 665, SUBDIVISION C, OF THE NEW YORK CITY CHARTER, NOVEMBER 13, 1939.

(1139-39-SR)

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraph 2, Charter of the City of New York and C26-189.0 Administrative Building Code (2.2.1.1) and C26-610.0 Administrative Building Code (10.1.18) and C26-660.0, 661.0 and 662.0 Administrative Building Code (108.1, 2 and 3).

Note: Where reference in parenthesis appears after the Administrative Building Code section it refers to the section of the New Building Code as formerly numbered.

Rule 1 Scope.

1.1 Before any Opening Protective Assembly is used under the provisions of the Administrative Building Code, it shall be tested as required in Section C26-610.0 (10.1.18) and its Fire-Resistive Rating shall be designated as "¾-Hour", "1-Hour", "1½-Hour", or "3-Hour", in accordance with the approval.

1.2 Before engaging in the manufacture of approved opening Protective Assemblies, the manufacturer shall have an established plant completely equipped with the necessary facilities, machinery and tools for the manufacture of the Opening Protective Assemblies.

1.3 Before applying for approval of plant and permission to manufacture approved Opening Protective Assemblies, the manufacturer shall file a list of his equipment and facilities with the Board of Standards and Appeals, together with a statement of the name, type, specifications and details of the approved door, which he agrees to manufacture in accordance with the rules and regulations of the Board and the requirements of the Administrative Building Code.

1.4 All Opening Protective Assemblies made under any approval issued by the Board of Standards and Appeals for the manufacture of approved Opening Protective Assemblies of "¾-Hour", "1-Hour", "1½-Hour" or "3-Hour" rating shall be rejected on evidence that such Opening Protective Assemblies are not manufactured or labelled in accordance with the approved specifications of the Board.

Rule 2—Inspections.

2.1 No Opening Protective Assemblies shall be installed in any building until such Opening Protective Assemblies have been inspected and labelled either by the Borough Superintendent, or by a recognized testing laboratory or other qualified person or agency approved by the Board as having proper facilities.

2.2 Before issuing any label for the use of an approved Opening Protective Assembly, the authorized inspection agency shall first notify the Borough

Superintendent that inspection will be made by him of the materials and construction entering into the assembly of the Opening Protective Assemblies, stating the location of the premises where the Opening Protective Assemblies will be used, the Building Permit number, the name of the approved Opening Protective Assembly and the manufacturer and the number of such units to be manufactured.

Note: Where an Opening Protective Assembly is of fire-proofed wood, such wood shall be submitted to tests for fireproofed wood, as prescribed in the Administrative Building Code, Section C26-331.9 (7.2.3.1 to 7.2.3.9, inclusive).

2.3 After the materials have been cut and inspected, the authorized inspection agency shall inspect the assembly and fabrication of the parts and shall issue an approved label only if the completed Opening Protective Assemblies comply in all respects with the approved specifications on file in the Board of Standards and Appeals.

Rule 3—Labels.

3.1 Every approved Opening Protective Assembly before installation in a building under the provisions of the Administrative Building Code, shall have securely attached to it, a metal label of a design approved by the Board, giving the name of the Opening Protective Assembly, the calendar number of the approval of the device, the fire-resisting rating, the serial number of the specific type of door and buck, or window, the year of manufacture and the name of the inspection agency.

3.2 After attachment of the Serial Label to the Opening Protective Assembly, the inspection agency shall advise the Borough Superintendent the serial numbers, the address of the premises and the Building Permit numbers of the approved Opening Protective Assembly.

3.3 The manufacturer may also attach to the Opening Protective Assembly, a metal label giving the name and location of the manufacturer. He shall also keep an office record showing the location of each Opening Protective Assembly manufactured by him, its serial label number and the Building Permit number; and this record shall be open for inspection by any authorized representative of the Board of Standards and Appeals and the Department of Housing and Buildings.

3.4 Every labelled Opening Protective Assembly shall be constructed and installed in all essentials as tested and approved and arranged to receive hardware of an equal type, quality and material and requiring no greater cutting away of the wood or metal than on the approved Opening Protective Assembly, as tested.

NOTICE

Inspection agencies that have been approved by the Board under the provisions of the Rules for Inspection of approved opening protection assemblies are recorded in the General

Resolution adopted by the Board under Calendar 1464-39 G.R. adopted December 18, 1939 as amended through April 1, 1941.

GENERAL RESOLUTIONS

AMONG THE GENERAL RESOLUTIONS ADOPTED BY THE BOARD SINCE 1916, ARE THE FOLLOWING:

Adopted September 18, 1934.

WHEREAS, under the provisions of section 242-A of the Charter of the City of New York, the Board of Standards and Appeals is empowered to determine and vary the application of the Building Zone Resolution; and

WHEREAS, the Board deemed that a determination was required as to dead storage of automobiles in business use districts, the former provisions of the Building Zone Resolution referring to this use, having been omitted from the amended Building Zone Resolution as unnecessary, a warehouse being a conforming use in a business district.

Resolved, that it be and it hereby is determined that warehousing or storage of automobiles, the gasoline tanks of which are empty, and where such automobiles are received and held in dead storage only, is a conforming use in a business district and not prohibited under Article II, Section 4, Subdivision 15, of the Building Zone Resolution.

Adopted by the Board of Standards and Appeals, July 22, 1936 (see Cal. 203-36-A).

Resolved, that the Board of Standards and Appeals does hereby interpret for application generally, the provisions of subdivision 4 of section 238 of the Multiple Dwelling Law as not requiring doors to be fireproof and that in complying with subdivision 4 of section 238 of the Multiple Dwelling Law the approval of the commissioner of buildings is not required, unless alterations are involved affecting the structural conditions of the building.

Adopted January 4, 1939—Cal. 2-39-GR, interpreting Article I, Section 4, subdivision 16 of the Multiple Dwelling Law, as amended April 11, 1938.

Resolved, that in the opinion of the Board, the intent of this amendment was to permit an owner to elect any grade existing on his plot where the coverage of the building exclusive of the garage does not exceed 35% and to substitute such grade for the curb level.

Certified as a rule of the Board by the Corporation Counsel (Supplement to Bulletin 14, April 5, 1917, page 7) and amended by the Board July 16, 1940—Cal. 809-40-GR.

Resolved, that a fire extinguisher listed as approved by the National Board of Fire Underwriters after test by the Underwriters' Laboratories, Incorporated, may be accepted by the administrative officials under the Oil Burner Rules and the Administrative Code for the class or classes of fires

as set forth in such approval. All such fire extinguishers for use in New York City shall bear the label of the Underwriters' Laboratories, Incorporated, stating the class or classes of fire for which such fire extinguisher was so approved.

Adopted May 17, 1938, amended February 18, 1941—Cal. 375-38-GR.

Resolved, that where a legal non-conforming use has signs upon the premises that legally existed prior to the adoption of the Zoning Resolution as amended June 28, 1940, or prior to more restrictive zoning, a sign advertising the same use and replacing such existing sign may be erected provided such sign is erected in the same location and position on the premises and does not exceed in area the sign which it is proposed to replace and does not project beyond the building for a greater distance; this shall apply to signs whether illuminated or non-illuminated but not to flashing signs nor to signs having traffic light colors, red or green; that where, in connection with a legally permitted garage or gasoline selling station, a "brand name sign" advertising solely the brand of gasoline sold on the premises is changed as herein permitted, no sign erected in substitution therefor shall exceed 30 square feet.

Resolved further, that where under section 6 subdivision b of the Zoning Resolution, a legally erected sign, whether illuminated or non-illuminated, and advertising a conforming use on the premises, may be continued, a business sign, whether illuminated or non-illuminated, may be substituted therefor, provided such sign does not exceed in area the sign which it is proposed to replace and does not project for a greater distance beyond the building line and advertises the use on the same premises, but no flashing sign shall be substituted therefor nor illumination having traffic light colors, red or green;

Resolved further, that where substitution is made as herein permitted, the brackets or structural supports shall be retained unless required to be replaced by the borough superintendent in the interest of safety and the replacement of the sign shall be within a reasonable time, otherwise the borough superintendent may deem the sign abandoned and refuse to permit a new sign except in compliance with law.

Adopted May 18, 1943—Cal. 232-43-GR.

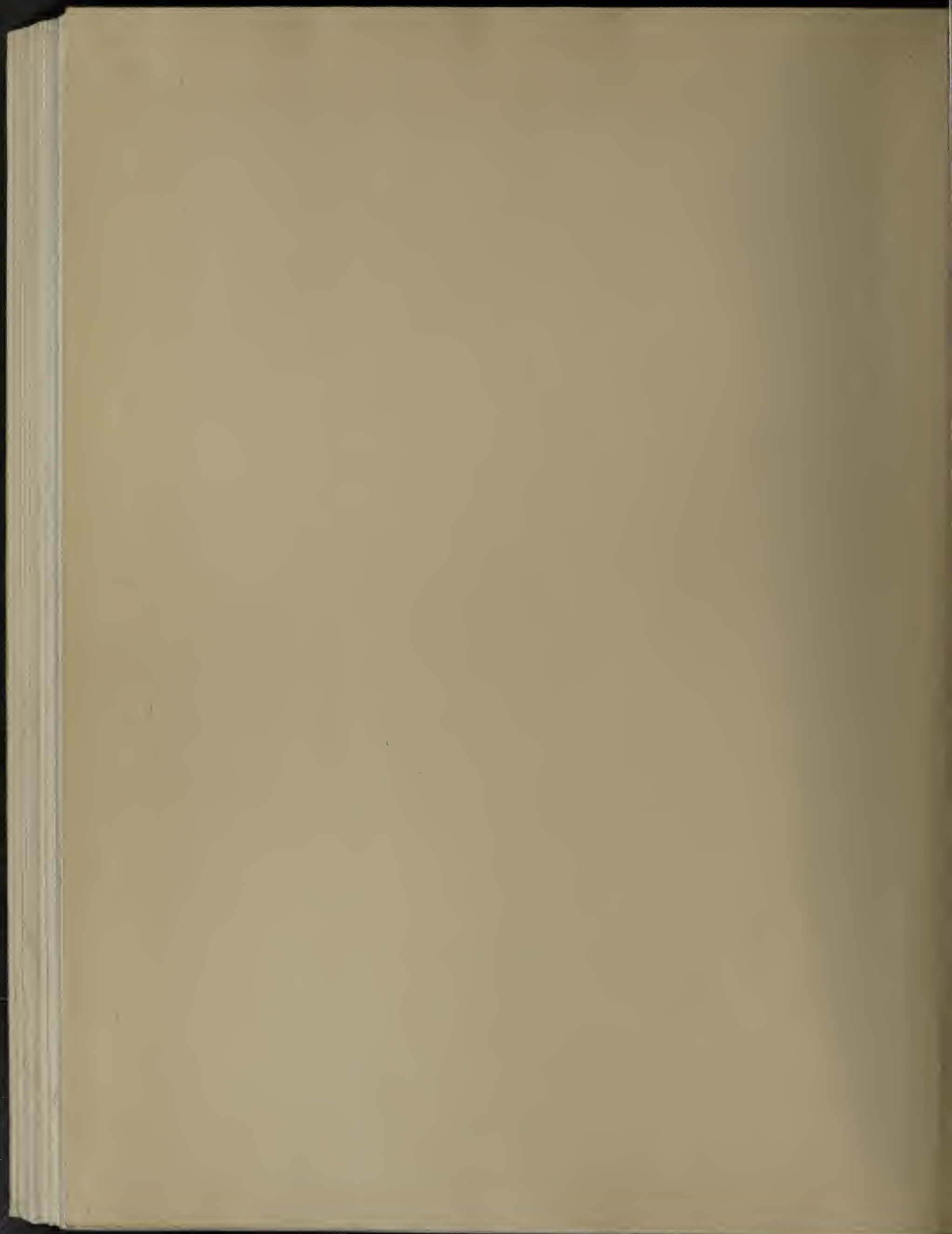
Resolved, that until this Board adopts rules to supplement Sections 260-265 inclusive and 272 of the Labor Law, the pertinent requirements of Article 11 of the Administrative Building Code of New York City shall govern in lieu of rules as to the fire resistive construction in such buildings as come within the purview of the State Labor Law.

THE BUILDING LAWS

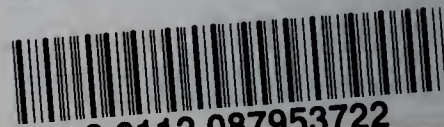
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